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L A W S  
RELATING TO THE  
NATIVE POPULATION  
OF THE  
TRANSVAAL.

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THE  
LAWS AND REGULATIONS,  
ETC., ETC.,  
  
SPECIALLY RELATING TO THE  
  
NATIVE POPULATION  
  
OF THE TRANSVAAL.  
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Native Affairs Department,  
Pretoria, February, 1907.

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1907.



### **Note.**

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The object of this pamphlet is to give in a convenient shape the various Laws, Ordinances, Proclamations (statutory and administrative), Government Notices and Regulations specially affecting natives in the Transvaal. It will not, of course, obviate the necessity of resort to the Statute Books and the *Government Gazette*, but it is intended to include the outlines of Native Administration in a compendious form, and to facilitate, when necessary, reference to the sources of authority.

Only those sections of laws which specially relate to natives have been inserted. In the Regulations are embodied all the amendments which have been made from time to time up to the date of publication. When an analysis of these amendments is necessary reference must be made to the original sources, which are quoted in every case.

In order to reduce the contents into the smallest possible compass, Government Notices and the like have not been given *in extenso* where it could be avoided.

The contents have been divided into chapters according to the classification of the matter, and blank pages have been inserted for annotation and for the record of amending or additional legislation. Each chapter is prefaced by a note explaining its subject and contents.

Chronological and Subject Indexes are appended.

E. R. G.





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## ***Administration of Justice and Native Administration.***

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Special provision is made for the administration of justice amongst the native population by Native Commissioners and Sub-Commissioners, under Law No. 4 of 1885, re-affirmed by Ordinance No. 3 of 1902; in the Witwatersrand District, by the Magistrates and Assistant Magistrates of the Native Court established under Proclamation No. 21 of 1902, section *fifty-six* to *sixty-three*; and amongst industrial workers in Labour Districts by Inspectors of Natives appointed under Proclamation No. 37 of 1901, amended by Ordinance No. 27 of 1903.

Law 4 of 1885 has been amended by Resolution of the First Volksraad, Articles 1,481 and 1,488 of 1894, by Ordinance No. 3 of 1902 and by Ordinance No. 44 of 1902.

The jurisdiction of the Magistrates of the Native Court was extended by Proclamation No. 40 of 1902.

In the Native Courts, civil cases to which both parties are natives, may be tried according to Native Law.

Law No. 7 of 1899 provides for the discipline of advocates, attorneys, and agents practising in the Native Courts.

The jurisdiction and duties of Inspectors of Natives in Labour Districts are defined by Proclamation No. 37 of 1901, sections *five* and *six* (page 161).

The proviso of Law No. 4, 1885, under which the Head of the State is recognised as Paramount Chief of Natives, has been confirmed by paragraph LI. of the Letters Patent for the constitution of Responsible Government, dated 12th December, 1906, which also provides for the convocation of a Council to advise in native matters.

The powers under the late Government of the Superintendent of Natives were conferred upon the Commissioner for Native Affairs by Proclamation No. 32 of 1901.

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### **LAW 4 OF 1885**

**(AS AMENDED.)**

*To provide for the Better Management of and the Better Administration of Justice among the Native Population of this Republic.*

Approved and enacted by Resolution of the Volksraad, Art. 479, dated 19th June, 1885.

Whereas the ignorance and the habits and customs of the native population of this Republic render them unfit for the duties and responsibility of civilised life:

And, further, whereas it is necessary and desirable to provide for their better treatment and management by placing them under special supervision and for the proper administration of justice among them until they shall be able to understand and

appreciate such duties and responsibility as they may reasonably be deemed capable of undertaking in obedience to the general law of the Republic: be it therefore enacted by the Volksraad of the South African Republic:

Repeal.

Art. 1: Arts. 37 to 51 inclusive, and Arts. 56, 57 and 58 of the Fieldcornets' Instructions, approved and enacted by Volksraad Resolution of September 17th, 1858, Art. 19; Law No. 9 of 1870, entitled "Law for the prevention of vagrancy, theft, and other irregularities among kafirs, for the protection of persons, property, and possessions, for the better regulation and management of kafir tribes, and for the levying of a tax on kafirs and other coloured persons," approved and enacted by Volksraad Resolution of June 3rd, 1870, Art. 154; Law No. 4 of 1873, entitled "For the taking out of passes by natives in the South African Republic," approved and enacted by Volksraad Resolutions of August 5th and 6th, 1872, Arts. 184 and 189, and amended by Volksraad Resolution of March 10th, 1873, Art. 33, and Law No. 3 of 1876, entitled "Law relating to natives," approved and enacted by Volksraad Resolution of June 9th, 1876, Art. 143, shall be and are hereby repealed, save and except only in so far as concerns any contraventions of the said articles of the Fieldcornets' Instructions and the above-mentioned laws and the penalties and fines imposed under such provisions; and the above-mentioned laws and all proceedings taken and begun before the coming into operation of this law shall be given effect to and prosecuted, and all penalties and fines imposed, and all such proceedings shall be just as valid and shall be prosecuted, imposed, and carried out in the same way as though this law had not been passed; provided, however, that nothing therein contained shall be inconsistent with the authority at present exercised by the chiefs and headmen of the natives in the different districts of this Republic until the appointments provided for in this law shall have been made.

Native Laws,  
&c., remain in  
force.

2. The laws, habits, and customs hitherto observed among the natives shall continue to remain in force in this Republic as long as they have not appeared to be inconsistent with the general principles of civilisation recognised in the civilised world.

Native Com-  
missioners.

3. The State President shall be entitled to appoint Commissioners over the natives in those districts in which it is considered necessary by the Volksraad to do so, in order to carry out all things mentioned in this law and all such orders or instructions as may from time to time be given by the Government. In districts where the Volksraad considers that the appointment of a Native Commissioner is not necessary or required, the \*Landdrosts shall be *ex-officio* Commissioners for Natives to superintend the work of Fieldcornets as Sub-Commissioners.

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\*It would appear from the judgment in *Rex vs. Jantje*, T.S. 1904, p. 49, that Resident Magistrates are no longer *ex-officio* Commissioners for Natives under this section, but the following Magistrates have been appointed by Government Notice No. 453, 1906, *ex-officio* Native Commissioners under Ordinance No. 3, 1902, viz.: Wolmaransstad, Nylstroom, Ermelo, Middelburg, Lydenburg, Wakkerstroom, Heidelberg, Potchefstroom, Barberton, Lichtenburg, Standerton.

4. Every Commissioner or Sub-Commissioner for Natives or Native Chief appointed by the Government shall have the power to inquire into and decide all civil disputes between native and native belonging to the tribe or to the district over which he has been appointed, and also all civil matters referred to him by white persons against any native belonging to a large savage tribe within his district or division. In dealing with such last-mentioned matters the Commissioner or Sub-Commissioner shall proceed as far as possible in accordance with the laws of the land enacted for the civilised population; provided, however, that in all cases decided by any Chief or Sub-Commissioner in the event of appeal a new enquiry may be held before the Native Commissioner of his district. For a final decision in appeal both parties shall have recourse to the Superintendent of Natives, provided that no judgment of such official shall be effective or be executable until it has been approved and confirmed by the Government.

Jurisdiction.

Appeal.

5. All matters and disputes of a civil nature between natives shall be dealt with according to the provisions of this \*law and not otherwise, and in accordance with native laws at present in use and for the time being in force, in so far as the same shall not occasion evident injustice or be in conflict with the accepted principles of natural justice.

What Law applicable.

†6. The Commissioners and Sub-Commissioners for Natives shall have jurisdiction in the case of all minor crimes and offences specified in the schedule attached to this law, committed by natives, within their respective districts and wards; provided, however, that no such Commissioner for Natives shall have the right to punish any native offender with any higher or severer punishment than a fine up to £10, or imprisonment with or without hard labour and with or without spare diet, for a period not exceeding three months, or ‡lashes up to 25 in number.

Jurisdiction over what crimes.

Maximum penalties.

It shall not be lawful for any Sub-Commissioner of Natives to punish any native more heavily than by fine not exceeding £5 or ‡ by lashes not exceeding 15 in number.

7. In the case of all civil and criminal cases decided in pursuance of this law the State President, with the advice and consent of the Executive Council, shall have full power, right and authority to review the proceedings in any case, and if necessary to annul or to amend the judgment.

President may review decisions.

8. The State President shall from time to time, with the advice and consent of the Executive Council, make §rules and provisions for the conduct of cases in the Courts for Native cases, and shall fix and determine fines, payments, costs, and disbursements for witness expenses to be allowed in the said Courts, which rules and provisions thus made shall have the force of law after publication in the *Staatscourant*.

President may make rules, &amp;c., for Courts of Native Affairs.

9. All cases of homicide, assault, or other injury caused to the person or property of a native, occasioned by sedition among natives or in consequence thereof or by fights between

Homicide, &amp;

\* The Supreme Court has power to review the proceedings of Native Courts, *Masilia vs. Native Commissioner, Pietersburg, T.S. 1903, p. 642.*

† Amended by V.R.R., arts. 1481 and 1488, 1894.

‡ See Ordinance 3, 1902, Section 4 (page 10).

§ See Government Notice 19, 1894 (page 5).

parties of natives or in which a tribe or portion thereof has taken part, and which in the opinion of the State Attorney, after consultation with the Superintendent of Native Affairs, can be more properly dealt with by the Commissioner for Natives, may be inquired into and decided by the Commissioner for the district in which the crime was committed.

10. Where a homicide, assault, or other injury to person or property has been committed, and it is sufficiently clear to the State President that such homicide, assault, or other injury as aforesaid, has been committed by natives, and that there exists a conspiracy in any tribe or section of the natives to evade the giving of the necessary evidence in such case, or to prevent the offender from becoming known, or otherwise, by passive resistance to the lawful authority, to encourage the repetition of such crime or offence, the State President shall have the right to impose a fine on such tribe or portion thereof of not more than £5 per head on the adult male population for every offence, recoverable in such manner as the State President shall order, and to cause such fine or portion thereof to be returned if the circumstances justify it.

When the  
ordinary  
Courts have  
jurisdiction.

11. In the case of all crimes between natives which the Courts of the Native Commissioners have not been given jurisdiction by this law to try, the offenders shall be liable to prosecution and may be tried in the ordinary Courts of Justice in this Republic, in the same manner as if such crimes had been committed by persons of European descent.

Fines.

12. All fines and office charges provided for in this law shall be paid into the public treasury.

President,  
paramount  
chief.  
Power of  
President.

\*13. The State President as paramount chief shall exercise over all chiefs and natives in the Republic all power and authority which in accordance with native laws, habits, and customs are given to any paramount chief. He is hereby empowered, with the advice and consent of the Executive Council, to depose from his chieftaincy any chief found guilty of an act whereby the peace of the Republic is endangered, to remove him from the place where he has resided, to place him under such supervision and in such safe custody as may appear expedient, and to appoint some other suitable person in his place. A decision of this nature shall not be capable of revision in any Court in this Republic.

President may  
make regula-  
tions for the  
administra-  
tion of this  
Law.

14. The State President shall have the power, with the advice and consent of the Executive Council, to make and frame such regulations and such orders as he may from time to time deem necessary and advisable for the better working and maintenance of this law; and all such rules, regulations, and orders shall have the same force and effect as if they had been enacted and formed part of this law.

Repeal.

15. Law No. 11, 1881, providing for the better management of and administration of justice among the native population, shall be and is hereby repealed.

Operation.

16. This law shall come into operation immediately after publication in the *Staatscourant*, in accordance with art. 12 of the Grondwet.

---

\* *Vide* Section 51 of Letters Patent, 12/6/06 (page 12).

## SCHEDULE.

\* Minor assaults, petty thefts, crimes of the same nature, contraventions of the Pass Laws, and of any regulations made thereunder, and such crimes as the Commissioner for Natives, acting on instructions from the State Attorney, shall inquire into and decide.

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GOVERNMENT NOTICE No. 19 OF 1894, AMENDED BY  
GOVERNMENT NOTICE No. 957 OF 1906.

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† RULES FOR COURTS OF NATIVE COMMISSIONERS AND SUB-NATIVE COMMISSIONERS.

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*Copy of Resolution of the Executive Council, Art. 47, dated  
23rd January, 1894.*

On the Order: Minute R. 1b,757/1893, containing rules and regulations for the trial of cases in the Native Courts in the South African Republic, by virtue of Arts. 8 and 14 of Law No. 4, 1885.

The Executive Council, after consideration of the draft referred to, sent in by the Acting Attorney-General,

Resolves: after making some alterations to publish the same in the *Government Gazette*, and declares it to be in force after publication in the *Government Gazette* by virtue of Art. 8 of Law No. 4, 1885.

Rules and regulations for the trial of cases in the Native Courts in the South African Republic, by virtue of Arts. 8 and 14 of Law No. 4, 1885.

Whereas it is considered necessary to make provision for the better adjudication of cases in the administration of justice in the Native Courts,

It is hereby ordained as follows:—

*Article 1.*—The Courts of Justice for native cases, criminal as well as civil, will be the existing Courts of Commissioners and Sub-Commissioners, etc., according to law.

*Article 2.*—The Commissioners and Sub-Commissioners shall take cognisance of all native cases in the first instance.

*Article 3.*—When a native wishes to have his case brought before the Native Courts by an advocate, attorney, or agent, he will have to obtain the permission of the Government to do so, through an application to the Superintendent of Natives, who, after due consideration, will make his remarks to the Government, and inform the native of the Government's decision.

Appearances  
by Agent.

*Article 4.*—The Commissioners and Sub-Commissioners shall keep two note books, one for civil and one for criminal cases, in which must be carefully stated the whole proceedings of each case adjudicated, including the witnesses, decision and the facts thereof. The notes must be duly certified and signed by the Commissioner or Sub-Commissioner.

Record of  
cases.

---

\* Amended by Ordinance 44, 1902.

† And *vide* Section 281 of Ordinance No. 1 of 1903, applying the provisions of the Criminal Procedure Code to all proceedings in inferior Courts with two exceptions.

- (b) The Commissioners and Sub-Commissioners shall further keep a separate register in which brief mention must be made of the names of the parties, nature of the case, date of hearing, date of decision, number of case, and page as appearing in the note books.
- (c) A cash book, in which must be entered regularly and carefully all amounts of receipts and expenses, in consecutive order, giving the dates.
- (d) A proper receipt book, in which the counterfoils also must be signed by the Commissioner who issues the receipts, and also countersigned by the clerk, if such an official has been appointed.

Tariff.

*Article 5.*—The following tariff will have to be followed in any case brought for decision before the Native Commissioners or Sub-Commissioners, and all perquisites, expenses, or stamp dues will be received by these officials under receipt and affixed in revenue stamps on the notes and defaced by these officials according to law :—

- (a) For a claim of five head of cattle, or any other case not exceeding the value of £25, a stamp of ten shillings.
- (b) For every head of cattle above that number, or the value of £5 or part thereof above the value of £25, a stamp of two shillings and sixpence.

*Article 6.*—Obsolete.

Costs of suit.

*Article 7.*—It is left to the discretion of the Commissioner or Sub-Commissioner to make the losing, winning, or both parties, pay the costs of the case, and will for that purpose follow, as much as possible, the rules laid down for the lower Courts in this Republic.

Summons of defendant.

*Article 8.*—After a complaint has been made and put in writing by the Commissioner and the costs, as stipulated, have been paid, the Commissioner or Sub-Commissioner, instead of issuing a summons, shall have a written notice served on the other party, containing a short recital of the complaint against such other party, and fix the place and date on which the case will be heard by him, calling upon the other party to have with him then and there his witnesses.

Appearance of Plaintiff.

*Article 9.*—The plaintiff will also be bound to bring with him his witnesses on the day and place fixed.

Witnesses.

*Article 10.*—The parties will be bound to have their witnesses present at their own expense, and should any witnesses refuse to appear after having been warned by the party interested the Commissioner or Sub-Commissioner will investigate whether any such witness is necessary, and if so, the case shall be postponed, after having heard the witnesses present, and the Commissioner or Sub-Commissioner shall call upon him in writing to appear on a later date and place, and should such witness still continue to refuse to appear the Commissioner shall be empowered to have such witness arrested summarily by the Messenger of the Court, after having handed a written order to that effect to the Messenger.

*Article 11.*—Any such witness shall on account of such refusal be liable to be fined by the Commissioner or Sub-Commissioner to an amount not exceeding £5 and not less than the amount of the costs caused by such refusal, or if unable to pay, to imprisonment with or without hard labour, not exceeding one month for every £1 fine. Contumacy of Witnesses.

*Article 12.*—The witnesses shall receive their travelling expenses as fixed by the lower Courts in this Republic. Witness's Expenses.

*Article 13.*—On the non-appearance of one of the parties the Commissioner or Sub-Commissioner will, after due enquiry decide the case finally, and in case none of the parties are present the case will be thrown out of Court, making the plaintiff pay the costs. Default of Parties.

*Article 14.*—The Messenger of the Court of the district in which the Commissioner or Sub-Commissioner exercises jurisdiction must see that all notices or orders handed to him by the Commissioner or Sub-Commissioner are properly executed, and in every way must he act with promptness and discretion. This is to be done according to the rules laid down for the lower Courts in this Republic. Messenger of Court.

*Article 15.*—The Messenger of the Court, may on his own responsibility and expense, subject to the approval of the Commissioner or Sub-Commissioners, appoint a substitute when these notices or orders have to be executed. Deputy Messenger.

*Article 16.*—In special cases, when such is deemed desirable or necessary, the Commissioner or Sub-Commissioner will be competent, with the approval of the Government, to appoint under oath a special messenger who shall perform the duties as laid down for the Messenger of the Court. To such special messenger no fixed salary will be paid. Special Messenger.

*Article 17.*—The Messengers of the Court mentioned will be paid for their services according to the tariff laid down for the lower Courts.

*Article 18.*—The Government shall have the power, when such is deemed desirable or appears necessary, to order the Public Prosecutor of the district in which the Commissioner or Sub-Commissioner exercises jurisdiction from time to time, as circumstances may require, to bring cases or prosecute before the Courts of the Commissioners and Sub-Commissioners, and further, where such is deemed desirable, to give permanent assistance by appointing qualified persons who shall perform the duties of Clerk, Public Prosecutor, and Registrar of the Court. Prosecutors.

*Article 19.*—All decisions or orders of the Commissioner or Sub-Commissioner shall be executed according to the rules laid down for the lower Courts.

*Article 20.*—The party against whom judgment has been given, if he intends to appeal, shall have such appeal noted by the Commissioner or Sub-Commissioner within eight days after such judgment has been given, and will be required to give security to the satisfaction of the Superintendent of Natives. Appeal.



The Commissioner or Sub-Commissioner shall enter such appeal in the notes on payment of 7s. 6d. in revenue stamps, to be affixed and defaced opposite such remark, and according to law forward to the Superintendent of Natives for further consideration.

*Article 21.*—It shall be the duty of the Commissioner or Sub-Commissioner to give the parties information regarding the contents of this law, and make a note thereof in the notes.

*Article 22.*—The Commissioner or Sub-Commissioner shall in case of appeal forward the documents, accompanied by a certified copy of the notes, with his explanation to the Superintendent of Natives for further consideration.

*Article 23.*—All resolutions referred to in the last article about such appeals will be executed by the Messenger of the Court in the same way as a judgment of the Court in the first instance.

*Article 24.*—If the appellant delays to act according to the rules and laws concerning thereto the judgment of the Court in the first instance will be confirmed.

Monthly  
returns.

*Article 25.*—A return of all native cases adjudicated by the Commissioner or Sub-Commissioner shall be sent monthly by the Commissioner to the Superintendent of Natives for examination, enquiry and information, who, after due enquiry, will send this return with his remarks to the Government for information. Such return must be certified by the Commissioner or Sub-Commissioner as correct.

*Article 26.*—All criminal charges of a serious nature will be investigated and considered according to the existing laws. The Commissioners or Sub-Commissioners shall, where there is no Public Prosecutor, fulfil the usual duties of a Justice of the Peace and postpone the cases, pending trial, to the Landdrosts' Courts of their respective districts.

If the Public Prosecutors have been specially appointed to the Commissioners or Sub-Commissioners such case may be inquired into in the first instance before the Commissioner or Sub-Commissioner, according to the rules laid down.

*Article 27.*—After expiration of such enquiry all papers and documents with regard thereto shall be sent by the Public Prosecutor to the Attorney-General for further instructions, who will be competent to commit the accused to be tried before any Court within this Republic.

\**Article 28.*—In districts or places where there are no Commissioners or Sub-Commissioners of Natives appointed the respective Landdrosts will act in their place in accordance with this law.

*Article 29.*—All declarations of witnesses shall be taken on oath by the President of the Court.

*Article 30.*—These rules and regulations shall be of force after publication in the *Government Gazette* according to Articles 8 and 14 of Law No. 4 of 1885.

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\* See note to Law 4, 1885, Section 3.

## LAW No. 7 OF 1899.

*Regulating the competency of the Native Commissioners and Sub-Commissioners for Natives to punish Legal Practitioners in their Courts for any improper conduct in such Courts.*

1. The Commissioner for Natives or Sub-Commissioner for Natives may punish any agent or practitioner who is guilty of contempt of Court with a fine not exceeding £10, or upon non-payment with imprisonment for a period not exceeding 14 days.

Practitioners guilty of contempt of Court in Native Courts.

Subject to the provisions with reference to appeals, it is open to the agent to appeal to a higher Court against any order of the Commissioner or Sub-Commissioner of Natives given against him under this Article.

Appeal.

In the case of attorneys and advocates practising in these Courts, the Commissioner or Sub-Commissioner for Natives is competent, in respect of proved misconduct or otherwise, to refuse to allow them to practise in such Court, subject, however, to the right to appeal.

Suspension from practice.

2. This law shall come into operation immediately after publication in the *Staatscourant*.

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PROCLAMATION No. 32, 1901.

By virtue of the authority in me vested, I do hereby declare, proclaim, and make known as follows :—

1. All the jurisdictions, powers, and privilege vested by the laws of the late South African Republic in the Superintendent of Natives shall be and are hereby vested in the Commissioner for Native Affairs, save where otherwise expressly provided in any Proclamation issued by the Administrator of the Transvaal.

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ORDINANCE No. 3, 1902.

*To provide for the appointment of Native Commissioners and Sub-Commissioners and to define their Jurisdiction and Powers.*

Whereas it is advisable in certain districts in this Colony where large numbers of natives reside to appoint Native Commissioners and Sub-Commissioners and to define their powers and jurisdiction :

Be it enacted by the Governor of the Transvaal with the advice and consent of the Legislative Council thereof as follows :—

1. It shall be lawful for the Governor from time to time to appoint for any district in this Colony in which a large number of natives reside a Native Commissioner and so many Native Sub-Commissioners as the Governor may consider advisable.

Governor may appoint Native Commissioners & Sub-Commissioners.

Powers, jurisdiction and duties of Commissioners and Sub-Commissioners.

2. The powers and jurisdiction conferred and the duties imposed on Commissioners and Sub-Commissioners of Natives by Law No. 4 of 1885 and any other law are hereby conferred and imposed on Native Commissioners and Sub-Commissioners respectively appointed under this Ordinance.

Commissioners and Sub-Commissioners to be Resident Justices of the Peace.

3. Every Native Commissioner and Sub-Commissioner appointed under this Ordinance shall on such appointment be a Resident Justice of the Peace within the district for which he is appointed excluding therefrom an area of twenty miles from the place in such district at which the Court of Resident Magistrate is established.

Punishment of lashes.

4. No sentence of lashes shall be imposed by any Native Commissioner or Sub-Commissioner either as such Commissioner or Sub-Commissioner or as a Resident Justice of the Peace except in the case of a second or subsequent conviction for some crime or offence within the space of three years : and no lashes shall be inflicted until the sentence under which they are imposed shall have been confirmed by a Judge of the Supreme Court. The provisions of section *thirty-nine* of the "Magistrates Court Proclamation 1902 shall *mutatis mutandis* apply to the review of such sentences by such Judge as aforesaid.

Commissioners and Sub-Commissioners authorized to solemnize native marriages.

5. Every Native Commissioner and Sub-Commissioner shall<sup>1</sup> within the district for which he is appointed be deemed and taken to be a person appointed to solemnize marriages between natives under Art. 1 of Law No. 3 of 1897 regulating the marriages of coloured persons.

Title.

6. This Ordinance shall be cited for all purposes as the "Native Commissioners Jurisdiction Ordinance No. 3 of 1902."

### THE MAGISTRATES' COURTS PROCLAMATION, No. 21 of 1902.

Native Court established.

56. A Court to be called the "Native Court" shall and the same is hereby declared to be erected constituted and established at Johannesburg for the said district.

Jurisdiction of Native Court.

57. The said Court shall have jurisdiction\* to try all contraventions by coloured persons of the provisions of any law or regulation applicable exclusively to such persons and all offences by such persons against any provisions of the laws relating to Masters and Servants and all matters of dispute of a civil nature between coloured persons falling within the jurisdiction of a Court of Resident Magistrate.

If any question arises as to whether or not any party to any proceedings civil or criminal is a coloured person such question shall thereupon be decided by the presiding Magistrate whose decision shall be final; but he shall give the benefit of any doubt thereon in favour of the accused.

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\* Jurisdiction extended by Proclamation 40, 1902.

58. The provisions of this Proclamation relating to the proceedings of Courts of Resident Magistrates and the rules orders and regulations in Schedule "B" thereof shall as far as possible apply to the proceedings before the said Native Court; provided that any civil suit or proceedings to which the parties are natives as hereinafter defined may be dealt with according to native law and custom and in case of there being any conflict of law or custom by reason of the parties being natives subject to different laws and customs the suit or proceedings shall be dealt with according to the laws and customs applicable to the defendant.

Procedure  
before Native  
Court.

The expression "native" shall include every person belonging to any aboriginal race or tribe of Africa south of the equator and every person one of whose parents belongs to any such race or tribe.

59. The said Court shall be holden before such person as may be appointed by the Governor and such person shall be styled the "Magistrate of the Native Court for the Witwatersrand District."

Title of  
Presiding  
Magistrate.

60. It shall be lawful for the Governor by notice in the *Gazette* to authorise and appoint the Magistrate of the said Native Court to hold a Court at such place or places within the said district other than the stated and ordinary place for holding the said Court and at such times as the Governor may in such notice direct. The Native Court so held elsewhere than at the stated and ordinary place for holding such Court shall have and exercise the same jurisdiction in civil and criminal cases as that possessed by the said Court when held at the stated and ordinary place so fixed and appointed as aforesaid.

Native Court  
held at other  
than ordinary  
place.

61. The Governor may from time to time appoint for the said district one or more fit and proper persons as Assistant Magistrates of the said Native Court and every person so appointed shall have and exercise all the powers and jurisdiction conferred by this Proclamation on the Magistrate of the said Court within the local limits for which he is appointed to act.

Jurisdiction,  
Assistant  
Magistrates of  
Native Court.

62. Every Assistant Magistrate of the said Native Court shall be subordinate to the Magistrate thereof and shall act as such Assistant Magistrate—

Duties of  
Assistant  
Magistrates of  
Native Court.

- (1) When so required to act at the stated and ordinary place of holding the said Court by the Governor or by the Magistrate thereof whether the Magistrate be present or not and such Assistant Magistrate may act in the disposal of any cases assigned to him for disposal by the Governor or by such Magistrate while the Magistrate shall be acting in other cases;
- (2) During the absence of the said Magistrate on leave duty or from illness or other unavoidable cause;
- (3) At such place or within such local limits within the said district as may be assigned by the Governor.

NATIVE COURT EXTENDED JURISDICTION PROCLAMATION, No. 40 of 1902.

TO INCREASE THE JURISDICTION OF THE NATIVE COURT FOR THE WITWATERSRAND DISTRICT.

Whereas it is desirable to increase the jurisdiction of the Native Court at Johannesburg for the Witwatersrand District :

Now therefore by virtue of the authority in me vested I do hereby declare proclaim and make known as follows :—

1. In addition to the jurisdiction conferred by section *fifty-seven* of the "Magistrates Court Proclamation 1902" the Native Court constituted and established under the said Proclamation shall have exclusive jurisdiction to try all contraventions by any person of the Native Passes Proclamation 1901 and the regulations thereunder and all contraventions of the Masters and Servants Law where either the complainant or the accused is a coloured person.

2. This Proclamation may be cited for all purposes as "The Native Court Extended Jurisdiction Proclamation 1902."

ROYAL LETTERS PATENT OF 12TH DECEMBER, 1906.

(BROUGHT INTO OPERATION BY PROCLAMATION No. 6,  
ADMINISTRATION 1907.)

NATIVE ADMINISTRATION.

*Governor to be Paramount Chief.*

*Assemblies of Chiefs, etc. Native Lands.*

¶ LI.—(1). The Governor shall continue to exercise over all Chiefs and natives in the Colony all power and authority now vested in him as Paramount Chief.

(2). The Governor in Council may at any time summon an assembly of native Chiefs, and also, if it shall seem expedient, of other persons having special knowledge and experience in native affairs, to discuss with the Governor, or such representative as the Governor in Council may appoint, any matters concerning the administration of native affairs or the interests of natives, and the Governor in Council shall consider any reports or representations submitted to him by any such assembly, and shall take such action thereupon as may seem necessary or proper.

(3). No lands which have been, or may hereafter be, set aside for the occupation of natives shall be alienated or in any way diverted from the purposes for which they are set apart otherwise than in accordance with a law passed by the Legislature.











## **Arms and Weapons.**

### **FIREARMS.**

It is prescribed by the Arms and Ammunition Ordinance (No. 13 of 1902) that all firearms shall be handed over to the Government, excepting those which may be retained under license.

#### **ORDINANCE No. 13, 1902.**

29. It shall be lawful for the Commissioner for Native Affairs when he thinks fit to grant a license in the form in the *First* Schedule hereto to any Native Chief or headman to possess arms. C.N.A. to grant licenses to Natives.

Any person who shall sell barter exchange or deliver for any cause whatsoever to any native not holding a license under the last preceding sub-section any arms or ammunition shall be liable to imprisonment with or without hard labour for a period not exceeding five years or to a fine not exceeding one thousand pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding two years or to both such imprisonment and such fine.

### **DANGEROUS WEAPONS.**

The possession and sale of dangerous weapons is dealt with in the Prevention of Crimes Ordinance (No. 20 of 1905) as follows :

9. (1) The Lieutenant-Governor may from time to time make Regulations prohibiting or regulating the possession and sale of dangerous weapons and may in any such Regulations declare what shall be deemed a dangerous weapon for the purposes thereof. Regulations for prohibiting possession of and sale of dangerous weapons.
- (2) Any such Regulations may be put into force in any district or in any portion of a district of this Colony.
- (3) Penalties may be prescribed by any such Regulations for a contravention thereof not exceeding a fine of fifty pounds or in default of payment imprisonment with or without hard labour for six months or to such imprisonment without the option of a fine.

The Regulations framed under this section were published under Government Notice No. 736 of 1906.

#### **REGULATIONS AS TO THE SALE AND POSSESSION OF DANGEROUS WEAPONS.**

1. It shall not be lawful for any person to be in possession of any dangerous weapon as hereinafter defined which is not required by him for use for a lawful purpose. The burden of proving that a dangerous weapon is required for such use shall be on the person charged with contravening this Regulation.

2. Any person selling to any other person any dangerous weapon as hereinafter defined shall be guilty of a contravention of these Regulations, unless he can prove on being charged therewith that he had good grounds for believing that the weapon was required for a lawful purpose by the person purchasing it

3. Any person contravening any of these Regulations shall be liable on conviction to a fine not exceeding twenty-five pounds, or, in default of payment, to imprisonment, with or without hard labour, for a period not exceeding three months, or to such imprisonment without the option of a fine.

4. In these Regulations the expression " dangerous weapon " shall include the following articles :—

- (1) Swords or daggers ;
- (2) Knives, with cutting edges of eight inches or more in length ;
- (3) Spears, assegais, and loaded or spiked sticks ;
- (4) Knuckle-dusters ;
- (5) Sandbags ;
- (6) Jumpers, crowbars, or hammers exceeding three pounds in weight ;
- (7) Axes or pickaxes.

5. These Regulations shall be in force only in the Municipality of Pretoria, and within any areas proclaimed as labour districts under section *four* of the Native Passes Proclamation, 1901.

Under the Municipal Corporations Ordinance (No. 58, 1903), the Town Council of a Municipality may make regulations prohibiting the carrying by natives of knobkerries, assegais, or other sticks or weapons—section *forty-two* (45).

The Town Council of Johannesburg has similar powers—*vide* Ordinance No. II. (Private) of 1906, section *forty-one* (76)—and has made Regulations with regard to the possession of weapons in the location.—(*Vide* page 96.)









## **Compounds.**

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The laws dealing with Mine Compounds are those which refer to trading therein—the Truck Law (No. 18 of 1896) and the Precious Stones Ordinance (No. 66 of 1903); Proclamation No. 38 of 1901, under which the Regulations for licensing Compound Overseers are framed: the Coloured Labourers' Health Regulations Ordinance (No. 32 of 1905), and the Precious Stones Ordinance (No. 66 of 1903), relative to compounds on diamond mines and the searching of natives.

Access to compounds in labour districts by Inspectors of Natives is secured by Proclamation No. 37 of 1901 (*vide* page 162), defining the powers and duties of these officers.

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## **TRADING.**

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### **THE TRUCK LAW. NO. 18 OF 1896.**

1. No trading license shall in future be granted or renewed for a place or premises pegged off or held under license for mining purposes, which is closed off or fenced in. No trading licenses for Compounds.

2. No director or secretary of a company, or employer of labour for a company, and no mine manager shall have the right to be a shareholder in any store or business on mining premises. Directors, &c of Companies

They shall neither directly nor indirectly be shareholders thereof, under penalty of the amount mentioned in Art. 5.

3. The employer of labour who, on behalf of any mining company, and authorised by it so to do, pays out the wage of a workman or employee of any mine, or any advance on such wage other than in current coin, or who stands security for the debts of such workman or employee in any store or canteen, shall be punished for the first offence by a fine not exceeding £100, or imprisonment for a period not exceeding one month, and upon a second or further contravention, by a fine not exceeding £300, or imprisonment for a period not exceeding twelve months. Wages must be paid in cash only.  
Penalties.

Where the employer referred to in the preceding paragraph is a company or a syndicate, such company or syndicate may be prosecuted upon contravention of the provisions contained in that paragraph.

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Trading in the compounds of diamond mines is referred to in sections *sixty-two-sixty-six* of Ordinance 66, 1903 (page 18).



## COMPOUND OVERSEERS.

The licensing of compound overseers is provided for by Proclamation No. 38 of 1901 (page 75). The following Regulations were published as a Schedule (B) to that Proclamation:—

No person to act as Compound Overseer without License.

1. It shall not be lawful for any person to act as a compound overseer within the Transvaal unless he be in lawful possession of a license issued by the Commissioner for Native Affairs, or by any officer appointed by him thereto.

Substitute may be appointed on death, absence on duty or sickness of Compound Overseer.

2. In the event of the death, absence on leave or duty, or sickness of a licensed compound overseer, his employer shall have the right to appoint a substitute, subject to the approval and confirmation of the Commissioner for Native Affairs, and such substitute shall act for such overseer without taking out any license for such period as the said Commissioner may approve not-exceeding the unexpired period of the license held by such overseer as aforesaid.

Conditions for issue of License.

3. (1) Licenses may be issued for a period of not more than one year on payment of an amount at the rate of £1 per month in advance.

(2) Applications, on printed form, must be made to the Commissioner for Native Affairs or any officer appointed by him to deal with such applications.

(3) Each application for a license must be accompanied by a recommendation from the employer of the applicant.

License may be refused.

4. The issue or renewal of a license by the Commissioner for Native Affairs may be refused without any reason being given therefor.

5. The issue of a license to any person shall not confer any right to its renewal.

License may be cancelled on conviction of holder of any crime.

6. (1) A compound overseer who has been convicted of any crime and sentenced to imprisonment by a Court of Law, or who has been convicted of any contravention of these or any other regulations relating to Native Labour or Native Passes, shall be liable to have his license cancelled or suspended in addition to any other punishment to which he may have rendered himself liable.

(2) Any compound overseer who, in the opinion of the Commissioner for Native Affairs, has been guilty of any misconduct which renders it undesirable that he shall be allowed to continue to carry on the calling of compound overseer under the provisions of these Regulations shall be liable to have his license cancelled.

License may be cancelled if holder guilty of misconduct.

Employer to inform Commissioner when Compound Overseer enters or leaves his service.

7. Every employer must at once inform the Commissioner for Native Affairs when any licensed compound overseer enters or leaves his service.

List of Licenses issued to be published in "Gazette."

8. Lists shall from time to time be published in the *Gazette* of licenses issued to compound overseers which are current, as well as licenses newly granted, suspended, determined, or cancelled.

9. Any person exercising the calling of a compound overseer without being provided with a license for that purpose shall for every such offence be liable on conviction to imprisonment, with or without hard labour, for any period not exceeding six months or to a penalty not exceeding one hundred pounds, or both.

Penalty for exercising calling of Compound Overseer without a License.

10. Any person who shall fail or refuse forthwith to give or deliver up any license which has been suspended or cancelled or which has expired by effluxion of time shall be liable to a penalty not exceeding fifty pounds, or in default of payment to imprisonment not exceeding six months.

Penalty for refusing to give up License which has been cancelled or suspended.

11. Any person who knowingly or wilfully employs or causes to be employed as compound overseer any person not in possession of a license shall for every such offence be liable on conviction to imprisonment, with or without hard labour, for any period not exceeding six months or to a penalty not exceeding five hundred pounds, or both.

Penalty for employing unlicensed person as Compound Overseer.

12. It shall be incumbent upon a licensed compound overseer—

Duties of Compound Overseer.

- (a) To see that there are no native labourers in the employ of the company or person in whose service he is in or about the compound not in possession of Registered Labour Passports ;
- (b) To see that any transfers, new contracts or agreements or renewals are recorded on the passport ; and
- (c) To afford to Inspectors of Natives appointed by the Commissioner for Native Affairs all facilities for having access to the natives under his charge, and to all books and accounts relating to the wages of such natives.

Provided that any neglect of the compound overseer to comply with these Regulations shall not absolve the employer from the obligations imposed on him under the provisions of the Pass Regulations in force in labour districts.

## PRECIOUS STONES ORDINANCE No. 66 of 1903.

Chapter VIII. of this Ordinance, which deals with compounds on diamond mines, is as follows :—

### COMPOUNDS AND SEARCHING OF NATIVES.

59. No coloured person employed in any mine or digging proclaimed under this Ordinance shall be kept in any compound except under a contract voluntarily entered into by him nor in such case for a longer period than three months but such contract may be renewed from time to time for any period not exceeding three months.

Coloured persons not to be kept in compound except under voluntary contract.

60. No holder of any interest in a mine or alluvial digging shall erect a compound for the accommodation of coloured employees until he shall have given notice of his intention to do so to the Inspector accompanied by plans in duplicate and shall have satisfied the said Inspector that proper sanitary arrangements are made in respect of the said compound.

Claim-holder to give notice of intention to erect compound.

Wages payable only in current coin. If otherwise contract null and void.

61. In all contracts to be hereafter made for the hiring of any coloured person employed in or about any mine or digging in this Colony proclaimed under this Ordinance the wages of such person shall be made payable in the current coin of the Colony and not otherwise and if in any such contract the whole or part of such wages shall be made payable in any manner other than the current coin aforesaid such contract shall be null and void.

Labour contract declared null and void if it contains any clause stipulating where how or with whom any portion of wages shall be expended.

62. If in any contract hereafter to be made between any coloured person as aforesaid and his employer any provision shall be made directly or indirectly respecting the place where or the manner in which or the person or persons with whom the whole or any part of the wages due or to become due to any such coloured person shall be laid out or expended such contract shall be null and void.

Payment of wages by the delivery of goods or otherwise than in current coin null and void.

63. The entire amount of the wages earned by and payable to any such coloured person as aforesaid shall be actually paid to him in the current coin of the Colony and every payment made to him by his employer of or in respect of such wages by the delivery to him of goods or otherwise than in the current coin aforesaid shall be null and void.

When whole or part of wages have not been paid in current coin employee is entitled to recover same by action at law.

64. Every such coloured person as aforesaid shall be entitled to recover from his employer in any manner by law provided the whole or so much of his wages as shall not have been actually paid to him in the current coin of this Colony; and in any action suit or other proceeding brought by such coloured person the defendant shall not be allowed to make any set off or to claim any reduction of the plaintiff's demand by reason or in respect of any goods wares or merchandise had or received by the plaintiff as or on account of his wages.

Employer cannot maintain action against coloured person in respect of any goods supplied on account of wages.

65. No employer of any such coloured person as aforesaid shall have or be entitled to maintain any suit or action against such coloured person for or in respect of any goods wares or merchandise sold delivered or supplied on account of wages to such coloured person at any shop kept by or belonging to the said employer or in the profits of which he would have any share or interest.

Employer of coloured persons employed on compounds may only sell necessary goods to them.

66. Where coloured persons employed as aforesaid are located or reside in any buildings or within any compound or place wherein or whereat they may be detained under any restrictions for the prevention of theft of precious stones or otherwise it shall not be competent under any circumstances for the employer of such coloured persons or for any one acting for such employer or under any agreement with him to sell any goods wares or merchandise other than those that shall be reasonably necessary for the use and well-being of such coloured persons during the period they may be detained under such restrictions.

67. (1) So soon as may be after the passing of this Ordinance it shall be lawful for the Lieutenant-Governor to appoint an officer to be styled Inspector of Compounds who shall be charged with the duty and invested with the power of inspecting from time to time all compounds and aiding in the enforcement of the aforesaid provisions. Such officer shall at all reasonable times be admitted into any compound or mine by the owner or person in charge thereof and shall have access to all parts thereof and shall be at liberty to inspect any goods wares or merchandise sold or for sale therein and all books and accounts relating to such goods wares or merchandise and he shall have opportunity for free communication therein with all or any of the coloured persons therein confined or working.

Appointmen  
powers and  
duties of  
Inspector of  
Compounds  
and  
penalty for  
obstructing  
him in  
execution of  
the same.

(2) The said Inspector of Compounds shall be deemed and taken for all legal purposes to have full *locus standi in judicio* and to represent every such person as aforesaid for the purpose of securing the due performance and observance of all duties towards such persons imposed by any law for the regulation of such compounds and for the purpose of protecting generally the rights of such persons.

(3) It shall be lawful for the Lieutenant-Governor from time to time to frame and publish in the *Gazette* regulations defining more particularly the duties and powers of the said Inspector of Compounds and the time place and manner for the performance of such duties and the exercise of such powers.

(4) Any person obstructing such officer in the discharge of his duty in connection with compounds as aforesaid or refusing or neglecting to allow him to have access or to inspect as aforesaid shall upon conviction before the Resident Magistrate of the district be liable to a fine not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for any period not exceeding one month unless such fine be sooner paid.

68. It shall be lawful for the Commissioner from time to time to make regulations for the carrying out and enforcing of a proper and efficient system of searching all coloured persons employed in and about a mine or digging ; and by such regulations to impose such fines and penalties for the contravention thereof as he may think fit. Such regulations shall after being approved of by the Lieutenant-Governor be published in the *Gazette* and on such publication shall be of full force and effect.

Regulations  
for searching  
coloured  
persons.

#### HEALTH OF COLOURED LABOURERS.

Under the Coloured Labourers' Health Regulations Ordinance, 1903, Regulations have been issued for the purposes specified in the Ordinance, which are applicable to all compounds in the labour districts proclaimed under Proclamation No. 48 Admn. of 1904, as amended by Proclamation No. 64 of 1906 (see page 174).

## ORDINANCE NO. 32 OF 1905.

*To make provision relating to the health of coloured labourers on mines and works in the labour districts and to secure uniformity in carrying out such provisions.*

Whereas it is expedient to confer the power of making Regulations for the maintenance of the health of coloured labourers employed in or about mines and works to secure uniformity in such Regulations and to determine by what authorities the same should be carried out and enforced ;

Be it enacted by the Lieutenant-Governor of the Transvaal with the advice and consent of the Legislative Council thereof as follows :—

Interpreta-  
tion of terms.

1. In this Ordinance and any Regulations made thereunder the expressions “mine” and “works” shall have respectively the meanings assigned to them in the Mines Works and Machinery Regulations Ordinance 1903 or in any law from time to time amending the same and the expression “labour district” shall mean any area from time to time proclaimed as such under the Native Passes Proclamation 1901 or any law amending the same ; and the expression “owner” shall include in the case of a firm or partnership all or any one or more of the members of such firm or partnership and in the case of a company or body of persons not being a firm or partnership the secretary or manager of such company or body and if there be no secretary or manager resident within the Colony then any director or member of the managing board or committee of such company or body or any manager in the employ of such company or body.

Power to  
make Regu-  
lations  
relative to  
inspection  
housing and  
food etc. of  
coloured  
labourers.

2 (1) The Lieutenant-Governor may from time to time make alter and repeal Regulations for all or any of the following matters :

- (a) for the medical examination of coloured labourers recruited for labour on any mine or works in a labour district ;
- (b) for securing the proper housing and feeding of such labourers and the observance of all requisite sanitary precautions in places other than the underground workings of a mine ;
- (c) for the care of such labourers when sick or injured ;
- (d) for the inspection of premises on which such labourers reside.

(2) Any such Regulations may prescribe penalties for the contravention thereof not exceeding a fine of one hundred pounds and in default of payment imprisonment for one year or imprisonment for such period without the option of a fine or both such fine and such imprisonment and different penalties may be imposed for continuing contraventions or second or subsequent contraventions of such Regulations.

(3) The authority for carrying out and enforcing such Regulations shall be the Commissioner for Native Affairs.

3. Every such Regulation shall be promulgated by notice in the *Gazette* and upon such promulgation shall have the force of law within any labour district for which the same is made and the Lieutenant-Governor may suspend on any mine the operation of any bye-law made by the Council of any Municipality relating to any matter dealt with by such Regulation in so far as such labourers are concerned, provided always that no proceedings pending under such suspended bye-law at the date of its suspension shall be affected thereby.

Regulations to have effect of suspending Municipal bye-laws on same subject matter.

4. Any notice order or other document which may under the Regulations aforesaid be required to be served upon an owner as in this Ordinance defined shall be served personally on such owner or left or sent by registered post to his last usual place of abode or business and if such owner shall be absent from this Colony such notice order or other document shall be served on any agent of his.

Service of notices orders and documents.

5. Nothing in this Ordinance or any Regulations made thereunder shall be deemed to apply to any such labourer as is mentioned in and defined by the Labour Importation Ordinance 1904.

Ordinance not to apply to labourers mentioned Labour Importation Ordinance 1904.

6. This Ordinance may be cited for all purposes as the Coloured Labourers' Health Regulations Ordinance 1905.

Title.

The Regulations under this Ordinance, published by Government Notice No. 569 of 1906, and added to by Government Notice No. 292 of 1907, are as follows :—

## COLOURED LABOURERS' HEALTH REGULATIONS.

### PART I.

#### *I.—Definitions.*

In these Regulations, unless the context otherwise requires :

“Labourer” shall mean any native labourer recruited for labour on any mine or works in the labour district, provided that any labourer who is engaged under contract to work on or about any mine or works in the labour district shall be deemed to have been recruited for labour on such mine or works.

The term “the Medical Officer” as used in relation to any mine or works, or any recruiting depot, shall mean any Medical Officer appointed by the Commissioner for Native Affairs, with the approval of the Lieutenant-Governor, for the purpose of carrying out these Regulations in the labour district, or part of a labour district, within which such mine or works or recruiting depot is situate.

“Commissioner” shall mean the Commissioner for Native Affairs.

“Officer” shall include the Commissioner and any person authorised in writing by the Commissioner to act as an Officer under these Regulations.

“Recruiting depot” shall mean any place used for the accommodation of labourers by any person engaged in the recruiting of labourers, or in the distribution of labourers to employers.

The term “Manager” shall have the same meaning as is assigned to it from time to time by any Regulations made under the Mines, Works Machinery Regulation Ordinance, 1903, or any amendment thereof.

“Premises” shall mean and include any building, room, hut, shed, or tent, and any yard or other land used or occupied in connection therewith.

“Owner” of a mine or works shall mean and include any person who is the immediate holder or lessee of a mine or works or part thereof and a tributor for the working of a mine or any part thereof, and in the case of a mine or works owned by a company or syndicate the term “owner” shall mean and include the chairman thereof or any director or member of such company or syndicate, and shall include in the case of a firm or partnership all or any one or more of the members of such firm or partnership, and in the case of a company or body of persons not being a firm or partnership the secretary or manager of such company or body, and if there be no secretary or manager resident within the Colony then any director or member of the managing board or committee of such company or body or any manager in the employ of such company or body. A person who owns only the soil on which a mine or works is situate shall not be deemed to be an owner for the purposes of these Regulations.

“Mine” shall mean and include all excavations for the purpose of searching for or winning minerals as well as all working of mineral deposits, whether abandoned or actually being worked on the surface from the surface downwards and underground, together with all buildings, erections, and appliances belonging or appertaining thereto above and below ground for the purpose of prospecting for or winning minerals or precious stones by excavating or dredging.

“Works” shall mean and include chemical works, metallurgical works, reduction works, ore-dressing works, petroleum works, salt works, brickmaking works, pottery works, lime works, and any places where machinery is erected or used, and all dams, reservoirs, and other appliances for conserving water or for producing or transmitting energy or for transporting water or material for the same.

## *II.—Notices and Orders.*

(1) Every notice or order which may be served under these Regulations shall be in writing and signed by the person who causes the same to be served, provided that any such notices or orders signed on behalf of the Commissioner by any person whom the Commissioner may from time to time authorise in writing to sign such notices or orders on his behalf shall be deemed to have been signed by the Commissioner.

(2) Every notice, order, or other document which may under these Regulations be required to be served upon an owner shall be served personally on such owner or left or sent by registered post to his last usual place of abode or business, and if such owner shall be absent from this Colony such notice, order, or other document shall be served on any agent of his.

(3) Any person who shall fail to comply with any notice or order duly served under these Regulations shall be deemed to have contravened these Regulations, unless such notice or order shall have been suspended under the provisions as to appeal against any such notice or order hereinafter contained.

## *III.—Penalties.*

Any person who is convicted of a contravention of any of these Regulations for the contravention of which no penalty is specially provided shall be liable to a fine not exceeding fifty pounds, and in default of payment to imprisonment for a period not exceeding six months.

## *IV.—Powers of Inspection.*

The Medical Officer or any Officer may enter upon any part of any mine or works other than the underground workings of a mine and upon any premises on which labourers employed on any mine or works reside at any hour of the day or night for the purpose of inspecting the same, and may require the manager of such mine or works or any person who may apparently be in charge of such mine, works, or premises to conduct him over the same and to furnish him, either verbally or in writing, with any information relating to any matter dealt with under these Regulations, and may demand from such manager or other person samples of any food or drinking water supplied to such labourers, and may remove any such samples for examination or analysis.

Any person who shall, directly or indirectly, wilfully hinder or obstruct any Medical Officer or Officer in making any inspection or in performing any other duty under these Regulations, or who shall refuse or neglect to furnish any information which may be required under this Regulation, or shall wilfully give to any such Medical Officer or Officer any false or misleading information, or neglect or refuse to comply with any lawful demand made under these Regulations shall be liable on conviction to a fine not exceeding fifty pounds, or in default of payment to imprisonment for a period not exceeding six months.



*V.—Care of Labourers during Illness.*

Every owner of a mine or works shall provide for the proper care and treatment of the labourers employed by him thereon when sick or injured during the subsistence of their contracts of employment.

*VI.—Hospitals.*

Wherever there is no hospital accommodation available, whether in public or private hospitals, for the labourers employed on any mine or works, or where the hospital accommodation so available for such labourers is, in the opinion of the Medical Officer, insufficient or unsuitable, the Commissioner may, on the report of the Medical Officer, cause to be served on the owner of such mine or works an order requiring him to erect and equip a hospital, or to enlarge or alter any existing hospital belonging to him, so as to provide suitable hospital accommodation for such labourers within a reasonable time to be specified in such order, provided that no order served under this Regulation shall require the provision of hospital accommodation superior to that specified in the third Schedule to these Regulations, and if such owner fails to comply with such order he shall be liable to a fine not exceeding one hundred pounds, and in default of payment to imprisonment for a period not exceeding twelve months.

*VII.—Hospital Medical Officer and Superintendent.*

The owner or manager of any mine or works shall provide for the medical supervision of any hospital maintained by him for the accommodation of labourers employed on such mine or works by some medical practitioner, registered in the Transvaal (herein referred to as the "Hospital Medical Officer"), and shall employ as the superintendent of such hospital a competent person, who shall be responsible for keeping such hospital, its furniture and equipment in a cleanly condition, and for attending upon all persons who may from time to time be lodged in such hospital.

*VIII.—Change Houses.*

(1) Where on any mine change houses are provided for the use of the labourers employed thereon, the manager of such mine shall, at the request of the Commissioner, draw up rules as to the use of the change houses by such labourers, and shall submit such rules for the approval of the Commissioner, who may approve the same with or without modification, and the manager shall make known such rules as approved to the labourers employed on such mine by publishing the same in such manner as the Commissioner may direct.

(2) The labourers employed on any mine shall enter into any change houses provided for their use at such times as may be appointed under such rules as aforesaid, and shall use such change houses in accordance with such rules. Any labourer contravening this regulation shall be liable on conviction to a fine not exceeding one pound, and in default of payment to imprisonment for a period not exceeding seven days.

*IX.—Medical Inspection.*

(1) The Medical Officer may, subject to the provisions as to notice contained in the succeeding sub-section, from time to time make a medical examination of any labourers lodged in any recruiting depot or employed on any mine or works, and may for the purpose of such examination enter any recruiting depot, mine or works or any premises on which the labourers employed on any mine or works reside.

(2) The Medical Officer may make a medical examination of any such labourer without notice either (a) with the consent of the manager or (b) without such consent where he has reasonable ground for suspecting either—

- (i.) that such labourer is suffering from the effects of ill treatment or personal violence to which he has been unlawfully subjected, or
- (ii.) that such labourer or the locality in which such labourer is lodged or is employed is threatened with or affected by any formidable, infectious, or pestilential disease ;

but save in such excepted cases the Medical Officer shall, before making a medical examination of any such labourer, cause notice to be served on the person in charge of the recruiting depot in which such labourer is lodged or on the owner or manager of the mine or works on which such labourer is employed of his intention to examine any or all of the labourers lodged in such depot or employed on such mine or works at or about a time to be specified in such notice, not being less than 24 (twenty-four) hours subsequent to the time at which such notice is served.

(3) If the Medical Officer desires to make a general medical examination of the labourers lodged at any recruiting depot or employed on any mine or works, he may cause notice to be served on the person in charge of such recruiting depot or on the owner or manager of such mine or works, requiring him to muster and produce for examination all labourers lodged at such depot or all labourers employed on such mine or works, other than the labourers actually engaged on shift, at some convenient place thereon or adjacent thereto at a time to be specified in such notice, not being less than 48 (forty-eight) hours subsequent to the time at which such notice is served.

(4) Any notice served under Sub-Section (2) or (3) hereof shall contain a request that any Medical Officer having the medical supervision of the labourers to whom such notice relates may be notified of the proposed examination.

*X.—Washing Arrangements.*

(1) Every owner of a mine or works shall provide adequate arrangements for washing, for the use of the labourers employed on such mine or works.

(2) Where the arrangements for washing provided for the use of the labourers employed on any mine or works are, in the

opinion of the Medical Officer, insufficient or unsuitable, the Commissioner may, on the report of the Medical Officer, cause an order to be served on the owner of such mine or works, requiring him to provide suitable arrangements for washing for the use of such labourers, within a reasonable time, to be specified in such order.

#### *XI.—Drinking Water.*

(1) Every owner of a mine or works shall make adequate provision for the supply of drinking water for the labourers employed thereon.

(2) Where, in the opinion of the Medical Officer, the arrangements for the supply of drinking water to the labourers employed on any mine or works are inadequate, the Commissioner may, on the report of the Medical Officer, cause to be served on the owner of such mine or works an order requiring him to make suitable arrangements for the supply of drinking water to such labourers within a reasonable time, to be specified in such order.

#### *XII.—Rations.*

(1) Every owner or manager of a mine or works shall cause all labourers employed thereon, to whom he is obliged to supply food under their contracts of employment, to be provided with rations of good quality, in accordance with the first Schedule to these Regulations.

(2) No employer shall supply or cause to be supplied to any labourer in his employ, for the purpose of consumption by such labourer, any article of food or drink which is diseased, unsound or unwholesome, or unfit for the food of man.

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### PART II.

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#### *XIII.—Housing Accommodation.*

(1) Every owner of a mine or works shall provide on or adjacent to such mine or works premises for the proper housing of any labourers employed on such mine or works for whom he is obliged to provide housing accommodation under their contracts of employment, and shall maintain any premises provided by him for housing such labourers in good repair.

(2) Where the Medical Officer is not satisfied that any labourers employed on any mine or works for whom the owner of such mine or works is, under their contracts of employment, obliged to provide housing accommodation, are properly housed, or where the premises provided by the owner of any mine or works for the housing of any such labourers employed thereon are, in the opinion of the Medical Officer, insufficient, defective or in bad repair, the Commissioner may, on the report of the Medical Officer, cause to be served on the owner of such mine or works an order requiring him to provide suitable premises for the housing of such labourers or to remedy any defects in existing premises provided by him for such purpose, or to do

any repairs to such premises within a reasonable time, to be specified in such order, provided that no order served under this regulation shall require the provision of housing accommodation superior to that specified in the second Schedule to these Regulations.

(3) The owner of any mine or works shall cause all premises provided by him for housing labourers employed on such mine or works to be kept in a clean and sanitary condition.

#### *XIV.—Prohibiting the Use of Defective Premises.*

(1) Where any premises which are occupied by labourers are, in the opinion of the Medical Officer, by reason of defective or unsuitable construction or arrangement, bad condition, want of light or ventilation, or other sanitary defect, unfit for the occupation of such labourers, the Commissioner may, on receiving the report of the Medical Officer with regard to such premises, cause to be served on the owner thereof an order prohibiting him from using or allowing the same to be used for the occupation of labourers, after a date to be specified in such order, until such order is withdrawn.

(2) The Commissioner may thereafter withdraw such order on being satisfied, on the report of the Medical Officer, that the premises to which such order relates have been so altered or repaired as to render them fit for the occupation of labourers.

(3) The owner of any premises who fails to comply with an order served under this regulation shall be liable to a fine not exceeding ten pounds, and in default of payment to imprisonment for a period not exceeding one month for every day during which such default continues.

(4) Any labourer who occupies or remains in occupation of any premises in respect of which a prohibition order served under this regulation is in force after he has been notified of the nature of such order shall be liable to a fine not exceeding one pound, and in default of payment to imprisonment for a period not exceeding seven days for every day during which such occupation continues.

#### *XV.—Approval of New Buildings.*

(1) The owner of any mine or works shall, before commencing the erection of any new building which is intended to be used for housing labourers, or commencing any substantial structural alteration in any existing building which is so used or intended to be so used, submit to the Commissioner the plans of such new building or altered building, and obtain his written approval of such plans, which written approval shall be granted or refused within fourteen days of the receipt by him of such plans.

(2) The owner of any mine or works shall not allow any new building provided by him for housing labourers or any building so provided which has undergone substantial structural alteration to be used for housing labourers until written permission for the use of the same for such purpose has been given by the Commissioner.

(3) Notice shall be given to the Commissioner of the completion of any such new building and of any such alterations as aforesaid to any such existing building by the owner thereof, and the Commissioner shall, if the building has been erected or altered in all material respects in accordance with the plans approved by him, grant such permission in the case of a building situate in the Witwatersrand District within four days, and in the case of a building situate outside the said district within seven days of the date of receiving such notice, and if the building has not been so erected or altered shall, within the same period, serve on the owner thereof notice of any deviations from the plans to which he objects.

(4) In reckoning the number of days for the purpose of this regulation, Sundays and public holidays shall be excluded.

#### *XVI.—Latrines and Urinals.*

(1) Every owner of a mine or works shall provide on such mine or works, and on any premises provided by him for the housing of labourers, sufficient and suitable latrines and urinals for the use of the labourers employed on such mine or works or residing on such premises, and shall maintain the same in proper sanitary condition.

(2) Where, in the opinion of the Medical Officer, the latrines or the urinals provided on any mine or works, or on any premises provided by the owner of any mine or works for the housing of labourers employed thereon, are inconvenient or insufficient, or are by reason of their situation or construction insanitary, the Commissioner may, on the report of the Medical Officer, cause an order to be served on the owner of such mine, works or premises, requiring him to provide suitable new latrines or urinals, or to remedy any defects in the existing latrines or urinals, within a reasonable time, to be specified in such order.

#### *XVII.—Removal of Refuse.*

(1) Every owner of a mine or works shall make adequate arrangements for the regular removal and innocuous disposal of nightsoil and urine, and of solid and liquid refuse produced in such mine or works, provided that in the case of any mine or works situate within any municipality the arrangements made for such removal and disposal shall be such as comply with the bye-laws for the time being in force within such municipality.

(2) Where there is on any mine or works an accumulation of refuse, liquid or solid, or where there is on land adjacent to any mine or works an accumulation of any such refuse which has been produced on such mine or works, and such accumulation is dangerous or injurious to the health of the labourers employed on such mine or works, the Medical Officer or any officer may cause an order to be served on the owner of such mine or works, requiring him to have such accumulation destroyed or removed and innocuously disposed of within a reasonable time, to be specified in such order.

(3) Nothing contained in Sub-Sections (1) and (2) of this regulation shall apply to mineral refuse produced by mining operations.

*XVIII.—Observance of Sanitary Precautions.*

(1) The labourers employed on any mine or works shall obey all orders given by the manager for the purpose of securing the observance by such labourers of sanitary precautions.

(2) Any labourer who fails to comply with any order so given or who performs the requirements of nature on any mine or works in such place or manner as to cause a nuisance shall be liable to a penalty not exceeding one pound, and in default of payment to imprisonment for a period not exceeding seven days.

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PART III.

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*XIX.—Particulars which Orders may Contain.*

It shall not be necessary for the Commissioner in any order which he may cause to be served under these Regulations to specify in detail particulars of the structure or appliance required by such order to be erected or provided, or the work required by such order to be executed, but such order shall state the general character of such structure, appliance, or work and shall contain such particulars with reference thereto as the Commissioner may consider expedient.

*XX.—Consideration to be given to Probable Life of Mine or Works.*

The Commissioner, in drawing up any order to be served under these Regulations which requires the erection, provision, or alteration of any building, washing appliance, latrine or urinal, shall give reasonable consideration to the probable length of life of the mine or works to which such order relates.

*XXI.—Appeals.*

(1) The owner or manager of any mine, works, or premises on whom any order is served under these Regulations may at any time within a period of fourteen (14) days from the date of the service of such order lodge with the Commissioner written notice of appeal against such order, and any order against which notice of appeal is given within such period, shall be deemed to be suspended pending the decision of such appeal.

(2) The appellant shall in his notice of appeal nominate the person whom he appoints to sit on the Special Board, hereinafter mentioned, and shall at the time of lodging his notice of appeal deposit with the Commissioner the sum of £50.

(3) The appeal shall be heard by Special Board consisting of three persons, of whom one member shall be appointed by the appellant and one member by the Commissioner, and the third member, who shall be Chairman, shall be the Resident Magistrate having jurisdiction in the area in which the mine or works is situate.

(4) The Special Board shall without delay enquire into the order against which the appeal is made, and shall make any inspection which may be necessary for the purpose of such enquiry, and may either confirm or set aside the order or may amend the same, provided that the Board shall only make such an amended order as the Commissioner has power to serve under the Regulation under which the order appealed against was served. Any order confirmed or amended by the Special Board shall be signed by the Chairman thereof and handed to the Commissioner, who shall also sign such order, and shall cause the same to be served on the appellant, and such order shall be deemed to be substituted for the order appealed against, and shall not be subject to any further appeal under these Regulations.

(5) If the decision of the Special Board shall be in whole or in part against the appellant, he shall be ordered to pay the costs of hearing the appeal or such proportion thereof as the Board may determine, including the fees and expenses of the members of the Board, and the deposit lodged with the Commissioner may be applied in whole or in part for such purpose.

(6) The members of any Special Board other than persons in the public service shall each receive a remuneration of £5 per day, with all reasonable travelling expenses, while engaged on their enquiry.

#### *XXII.—Enforcement of Part II. within Municipal Areas.*

The Commissioner shall not enforce Part II. of these Regulations (being Regulations 13 to 18 inclusive) within the area of any municipality until he shall have published in two consecutive issues of the *Gazette* a notice of his intention to enforce the same within such area, and such notice shall only be given with reference to any municipality if, after communication with the council of such municipality, the Commissioner shall be satisfied that such council has failed to make an adequate exercise of its powers with regard to any of the matters dealt with in Part II. of these Regulations.

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### COLOURED LABOURERS' HEALTH REGULATIONS.

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#### *Schedule I.*

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#### RATIONS.

2 lbs. of mealie meal or  $1\frac{1}{2}$  lbs. of army biscuit per day.  
(Such quantity of peas, beans, rice, or other farinaceous or leguminous foods as is of equivalent nutritive value may be substituted for the whole or part of this ration.)

2 lbs. of bone-free meat or 2 lbs. of fish per week.

1 lb. of soup meat per week.

1 lb. of vegetables per week (such as pumpkins, beans, potatoes, etc.)

1 lb. of sugar or treacle per week.

$\frac{1}{2}$  oz. of salt per day.

*Schedule II.*

## HOUSING ACCOMMODATION.—MAXIMUM SCALE OF REQUIREMENTS.

1. *Air Space*.—200 cubic feet of air space for each labourer occupying the premises when the full complement for the accommodation of which the premises are provided is present. (In calculating cubic air space for the purpose of this requirement, not more than twelve feet of the average height from the floor shall be taken into account in premises where there is only one tier of bunks, and not more than fourteen feet of the average height from the floor in premises where there are two tiers of bunks.)

2. *Arrangement of Bunks*.—Bunks arranged in one or two tiers.

3. *Type of Hut*.—The Rand Mines type of hut, as shown on the plan annexed to the Report of the Coloured Labour Compound Commission (Appendix D.), copy of which plan has been deposited in the Office of the Commissioner for Native Affairs and signed by the Commissioner under date 6th day of June, 1906. Walls of brick and iron roof.

4. *Ventilation*.—The system of ventilation adopted in the Rand Mines type of hut, as shown on the plan, of which the essential points are:—

(1) Air spaces in walls 2 to 4 inches from the ground.

(2) Louvres in the roof, as shown on the plan.

Ventilation space in the same proportion to size of hut as the ventilation shown on the plan of the Rand Mines type of hut.

5. *Stove*.—Stove with chimney and canopy.

6. *Windows*.—Glazed windows; window space equal to one-tenth of floor space.

7. *Floors*.—Impervious floors.

*Schedule III.*

## HOSPITAL ACCOMMODATION.—MAXIMUM SCALE OF REQUIREMENTS.

1. *Percentage Provision*.—Accommodation sufficient to accommodate at one time  $2\frac{1}{2}$  per cent. of the total number of labourers employed on the mine or works.

2. *Air Space*.—800 cubic feet of air space for each labourer occupying the hospital when the full complement for the accommodation of which the hospital is provided is present.

3. *Sanitary Arrangements*.—Sufficient latrines and urinals for the exclusive use of hospital patients.

4. Other requirements as in Schedule II.

NOTE.—Schedules II. and III. specify the best accommodation which may be required, it being understood that accommodation of a less expensive character may be required in substitution for the accommodation described in these Schedules as may be considered suitable in the circumstances of each individual case.



**ADDITION TO REGULATIONS UNDER GOVERNMENT NOTICE No. 292  
OF 1907.**

It shall not be lawful to use a screen of any description in or about any sleeping compartments occupied by natives in such a manner as to obstruct the passage of light and air or a view over the whole compartment.

Any native contravening this Regulation shall, on conviction, be liable to a fine not exceeding one pound for a first offence, and in case of a subsequent conviction to a fine not exceeding five pounds.

Any compound overseer who permits or connives at any contravention of this Regulation shall, on conviction, be liable to the penalty provided in Regulation III. of the Regulations published under Government Notice No. 569 of 1906.

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## ***Contracts and Concessions.***

In October, 1891, the Superintendent of Natives issued a Circular intimating that native chiefs could only enter into contracts by which their own persons or personal effects were bound; \*and that all contracts by a chief, unless authorised by the Government, would be considered as unlawfully entered into. No tribe or people, he added, would be held responsible under the personal obligations of the chief.

A Resolution of the Second Volksraad to this effect was noted and accepted by the First Volksraad in September, 1893.

### SECOND VOLKSRAAD RESOLUTION, ART. 630, DATED 21ST JULY, 1893.

*Noted and accepted by First Volksraad Resolution, Art. 1323,  
dated 6th September, 1893.*

“The Second Volksraad, having regard to all the contracts relating to the leases of minerals, metals, and precious stones and prospecting on and of Kaffir locations, now on the order, having regard to the Executive Council Resolution in conjunction therewith (*in re* the terms of the said contracts), as also the letter of the Head of the Mining Department as to his refusal to approve of the terms of the said contracts, and having regard to the information given in this connection by the Government, resolves to agree to the Executive Council Resolution that no contracts of whatsoever kind on and affecting Kaffir locations shall be recognised which are in conflict with Art. 21a of Law No. 18, 1892.” (Gold Law.)

Native chief contracts.

These conditions were finally embodied in

### † LAW No. 3 OF 1898.

Whereas it is deemed necessary to make provision with regard to the competency of native chiefs to enter into contracts, it is hereby enacted as follows:

Art. 1. The people or tribe of a native chief cannot be held responsible for the personal obligations of the latter.

Obligations of Native chiefs.

\* In order that the alienation by a native chief of tribal land shall be binding on the tribe, their consent in accordance with native custom must be clearly proved. When such alienation by a Bantu chief took place with the consent of his council of indunas, the alienation was held to be binding on the chief's successor and tribe. - *Vide* *Hermansburg Mission Society vs. Darius Mogali*, 1906, T.S. 135.

† Public attention was drawn to the provisions of this law by Government Notice No. 290, 1902.

Tribe or  
location not  
responsible.

2. No native chief can enter into any obligation whatsoever by which either his people or tribe or the ground granted to him as a location shall be bound in any way whatever.

Approval of  
Executive  
Council.

3. No obligation or contract as above indicated, entered into by coloured persons or their chiefs, shall be valid unless approved of by the Executive Council, acting in consultation with the Superintendent of Native Affairs.

Operation.

Art. 4. This law shall come into operation immediately after publication in the *Staatscourant*.











## **Education.**

Regulations in respect of the education of natives have been made under the Education Ordinance of 1903.

### ORDINANCE No. 7 of 1903.

... and whereas it is desirable to promote the industrial and other education of children other than those both of whose parents are of European birth or descent ;

Be it enacted by the Lieutenant-Governor of the Transvaal with the advice and consent of the Legislative Council thereof as follows :—

1. It shall be lawful for the Lieutenant-Governor out of the public revenue of the Colony to :—

- (c) provide for the establishment maintenance inspection and control of Government schools for children\* not provided for in Clause (b) hereof in which due provision shall be made for industrial training and also subject to such conditions as he may deem fit make grants towards the establishment and maintenance of schools for such children controlled by such religious and other bodies as may be approved by him.

These regulations, which were published under Government Notice No. 1058 of 1906, are as follows :—

#### REGULATIONS GOVERNING NATIVE EDUCATION.

##### I.—NATIVE MISSION SCHOOLS : GRANTS-IN-AID.

1. The Scale of the Quarterly Grant to be paid to Missionary Superintendents in charge of Mission Schools shall be as follows :—

##### *Average Quarterly Attendance : Quarterly Grant.*

- (a) 30 or under, not to exceed £5.
- (b) exceeding 30 and not exceeding 60, not to exceed £10.
- (c) exceeding 60 and not exceeding 80, not to exceed £17 10s.
- (d) exceeding 80 and not exceeding 100, not to exceed £22 10s.
- (e) exceeding 100, not to exceed 5s. per scholar reckoned

on an average attendance.

2. Within the limit fixed the amount that may be paid to any school shall be at the discretion of the Director of Education, who will take into account the special circumstances of the school, and shall not be necessarily in strict proportion to the attendance.

\* i.e. other than children of European parents.

3. In the case of schools referred to under (a) a grant shall be paid only if there is a prospect of an increase of the average attendance to more than 30.

4. The full grant is payable only where the teachers are possessed of a Certificate or other satisfactory qualification. Where, however, the teachers are not so qualified a grant of a less amount may be made until qualified teachers can be secured or until the existing teachers have qualified themselves to the satisfaction of the Director of Education.

5. The whole of the Quarterly Grant shall be devoted to the salaries of the teachers, and receipts for the amount paid shall be duly signed by the teachers and transmitted by the Missionary Superintendent to the Education Offices before the last day of the month following the end of each quarter.

## II.—TRAINING INSTITUTIONS FOR TEACHERS.

### “A.” *Grants-in-Aid.*

As far as the resources placed at the disposal of the Department for the encouragement of native education will allow, the Department will give assistance towards the training of teachers for native schools at training institutions approved by the Department as follows :—

1. An initial grant of a sum not exceeding £300 (three hundred pounds) to such institutions as are approved by the Department for the purpose of providing the necessary equipment; provided that the proposal with regard to such equipment is previously submitted to the Director of Education and sanctioned by him.
2. Annual grants on the pound for pound principle on behalf of Superintendents and Instructors :—
  - (a) A grant not exceeding £100 (one hundred pounds) per annum on behalf of the Superintendent of the boarding establishment attached to any such training institution.
  - (b) A grant not exceeding £200 (two hundred pounds) per annum on behalf of each qualified instructor approved by the Director of Education. No grant will be made on behalf of a second instructor, unless the number of students exceeds thirty, or on behalf of a third instructor unless the number of students exceeds sixty. Grants for more than three instructors will not be made unless the total number of students exceeds one hundred, or unless the institution contains two departments, one for men and one for women students.
3. A grant not exceeding £100 (one hundred pounds) on behalf of each industrial instructor, provided that the Director of Education is satisfied that such instructor is qualified to train students to give systematic instruction in some industrial subject in native schools. Such instructor may be an officer

of the Education Department or an employe of the training institution on whose behalf a grant is made under para. 2 (a), (b) above; provided that if such instructor be an officer of the Department no grant shall be made unless such instruction be outside the sphere of his ordinary duties or be given outside the time which he is required to devote to his ordinary duties. The number of such grants will be governed by the number of students as prescribed by para. 2 (b) above.

4. Paragraph 12 of the Regulations as to the conditions of service of teachers on the regular teaching staff of the Education Department and the Gratuity Regulations therein mention shall *mutatis mutandis* apply to all instructors in approved training institutions on whose behalf a grant is made under these regulations whose time is wholly occupied in the work of instruction; provided that for the purpose of calculating such gratuity
  - (a) the word "salary" shall be taken to mean the total salary of the instructor, whether derived from Government or other sources; and
  - (b) the word "service" shall be taken to mean service in a training institution approved by the Education Department.
5. Bursaries not exceeding £10 (ten pounds) per annum to each native student; provided he passes the departmental examination held at the end of each of the three years of the course; and provided, further, that he undertakes to complete the course and to teach in a Government school for at least three years after the completion of the course of training; and provided, further, that the institution to which he is attached undertakes to refund to the Government any sums expended in bursaries if these conditions, excepting the one referring to the Annual Examination, are not fulfilled.

*"B." Particulars of the Course of Training.*

1. All candidates must have reached the age of fifteen years before entering on the course of training and must produce a certificate of character and good conduct from their missionary or any other white person whose testimony is satisfactory to the Director of Education.
2. Before entering on the course of training intending students must either have passed Standard III. of the Native Education Code within the previous twelve months or have passed a preliminary examination of equal difficulty.
3. All students on entering their course of training as teachers must sign an undertaking to devote themselves for three years consecutively after the completion of their course to teaching in native schools subsidised by the Government under penalty of refunding whatever sums have been expended by the Government on their training.

4. The course of training shall extend over a period of three years.

5. At the end of each year of training a Departmental Examination will be held, based on the Syllabus issued by the Department, and candidates must pass this test satisfactorily before proceeding to the next stage in the course.

6. No certificate shall be issued to any teacher who shall not have qualified satisfactorily in the industrial as well as in the other subjects of instruction. For the present and until further notice the certificate issued will be of a provisional character. A full certificate will be awarded to teachers holding a provisional certificate on the completion of three years' satisfactory service.

*"C." Syllabus of Work.*

READING.

*1st Year.*—To read clearly and intelligently from a Standard IV. Reading Book recognised by the Education Department; to answer questions on the passage read; and to show a general acquaintance with the subject-matter of the book. A Second Reading Book, a Historical Reader, should be used.

*2nd Year.*—To read clearly and intelligently from a Standard V. Reading Book recognised by the Education Department; to answer questions on the passage read; to show a general acquaintance with the subject-matter of the book. A Second Reading Book, a Historical Reader, should be used.

*3rd Year.*—To read clearly and intelligently from a Standard VI. Reading Book recognised by the Department, or an unseen reader of a lower standard; to answer questions on the passage read. A Second Reading Book, a Historical Reader, should be used.

DICTATION.

*1st Year.*—To write to dictation 10 consecutive lines taken from the Reading Book, and also 10 words selected from any two consecutive pages of the same book.

*2nd Year.*—To write to dictation 10 consecutive lines taken from the Reading Book, and also 12 words selected from the same book.

*3rd Year.*—To write to dictation 10 consecutive lines taken from the Reading Book, and also 15 words selected from the same book. The necessary punctuation marks must be inserted by the candidate in the continuous passage.

HANDWRITING.

*1st Year.*—The letters, capital and small, in the size known as Text. To select and write three short words suitable as an exercise for a Standard I. Class. To transcribe a short passage in the size known as Medium Hand, between lines.

*2nd Year.*—The letters, capital and small, in the size known as Text. To select and write three words suitable as an exercise for a Standard II. Class, and to transcribe a short passage in the size known as Small Hand, between lines.

*3rd Year.*—Repetition of the 1st and 2nd years' work, but with more difficult combinations. Transcription of a passage in the size known as Small Hand.

#### ENGLISH COMPOSITION.

*1st Year.*—(a) To construct sentences containing given words.

(b) To explain some common terms in the candidate's own words.

*2nd Year.*—(a) Description of some familiar object in the candidate's own words.

(b) To reproduce from memory a short story read twice.

(c) Reconstruction of sentences.

*3rd Year.*—(a) To write an account of a journey by rail or by road in the form of an essay or a letter.

(b) To write a business letter.

(c) Reconstruction of sentences or passages.

#### ENGLISH GRAMMAR.

*1st Year.*—Analysis of easy Simple Sentences; general Parsing of the Parts of Speech; correction of Grammatical errors.

*2nd Year.*—Analysis of Simple Sentences; conversion of Simple into Complex sentences; detailed Parsing of the Parts of Speech; correction of Grammatical errors.

*3rd Year.*—Detailed analysis of Easy Complex Sentences and Parsing in detail. Recasting the Grammatical form of sentences and correction of Grammatical errors, with special reference to such as are common among native children.

#### ARITHMETIC.

*1st Year.*—Notation and Numeration. The Simple and Compound Rules: Addition and Subtraction, Multiplication and Division of the more common weights and measures. Different ways of expressing a sum of money or a given weight or measure.

Mental Arithmetic.—Easy exercises on the Compound Rules and Vulgar Fractions.

*2nd Year.*—The 1st year's work, and also easy operations with Vulgar Fractions, Simple Proportion, Practice and the making out of tradesmen's bills.

Mental Arithmetic.—Easy exercises on Vulgar and Decimal Fractions, Practice and Proportion.

*3rd Year.*—Revision of 2nd year's work, and also Decimal Fractions (excluding recurring Decimals); Compound Proportion, Averages and easy operations involving Percentages.

Mental Arithmetic.—Easy exercises on Fractions, Averages and Percentages.

#### GEOGRAPHY.

*1st Year.*—Shape and size of the earth; chief geographical terms and their meanings; the continents and oceans.

The Transvaal: Its principal surface features, climate and productions, districts, principal towns and chief industries.



To draw a map of South Africa from memory, marking the position of the Transvaal.

*2nd Year.*—Relative position of the principal countries of Africa and their capitals.

British South Africa: Surface features, chief political divisions, productions and chief industries, towns with more than 5,000 inhabitants.

To draw from memory a map of South Africa showing the position of the various colonies and their capitals.

Day and Night: Latitude and Longitude; general ideas of the most fundamental facts concerning the Sun and the Moon.

*3rd Year.*—The situation of the principal countries of the world and their capitals, with special attention to the British Empire; their chief productions and trade with South Africa.

To draw from memory a map of South Africa showing the various Colonies, principal surface features and chief towns.

The Atmosphere and the chief causes affecting Climate.

#### BLACKBOARD DEMONSTRATION.

*1st Year.*—Use of the T Square. To write between lines, in the size known as Text, the small and capital letters and figures; to set out a specimen sum in Simple Addition or Subtraction as a model for Standard I.

Freehand Drawing of horizontal, vertical and oblique lines, and figures involving such lines.

*2nd Year.*—Knowledge of joinings. To write short words in Text size, each beginning with a capital letter: to set out a specimen sum as a model for Standard II.

Drawing as in 1st year, with the addition of simple curved figures. To draw lines to scale.

*3rd Year.*—To write words in Text and Medium size, and a short continuous passage in Small Hand; to work out a specimen sum as a model for Standard III.

Freehand Drawing of curved figures. Outline map of South Africa from memory. Drawing a simple plan to scale.

#### PHYSICAL EXERCISES.

Arrangement of a class in marching order, and simple physical exercises calculated to produce precision and smartness of movement.

Third-year students must show ability to instruct and exercise a Class in such movements.

#### SINGING (THEORY).

*1st Year.*—The scale; mental effects; accent; two and four pulse measures; whole and half-pulse notes, continuations and rests.

*2nd Year.*—The 1st year's work, with the addition of three and six-pulse measures and quarter-pulse notes; time names.

*3rd Year.*—The 2nd year's work; transition of one remove; the intervals of the major scale; pitch.

## PRACTICAL MUSIC.—SOL-FA.

*1st Year.*

*Tune.*—Any leaps within the scale.

*Time.*—Two- and four-pulse measure ; whole- and half-pulse notes and rests. Exercises in time and tune, including the above.

*Ear.*—To name the notes of the “Doh” chord when heard in any order. To name the notes of a stepwise phrase of three notes beginning or ending in a note of the “Doh” chord.

*Songs.*—Four good songs in two or more parts, or rounds.

*2nd Year.*

*Tune.*—Any leaps within the Scale, including the use of the fe and ta in progression, used thus : s. fe. s. ; d' ta l.

*Time.*—Three- and six-pulse measures. Quarter pulses ; easy exercises in time and tune.

*Ear.*—To name the notes of a phrase of four notes beginning or ending with a note of the “Doh” chord.

*Songs.*—Four good songs in two or more parts.

*3rd Year.*

*Tune.*—Transition of one remove ; the minor scale with so but without ba.

*Time.*—Six-pulse measure beating six times and twice ; thirds of a pulse.

*Ear.*—To name the notes of a single chant given in two phrases.

*Songs.*—Four good school songs in two or more parts.

*Time and Tune (combined).*—Easy exercises.

## SCHOOL MANAGEMENT AND CLASS TEACHING.

*1st Year.*—To give a lesson in Reading or Arithmetic to pupils who have not yet passed Standard I.

*2nd Year.*—To give a lesson in Reading, Writing or Arithmetic to pupils who have not yet passed Standard II.

*3rd Year.*—To show practical knowledge of the method of teaching any of the subjects specified in the Code for native schools.

*Written Work.*—Registers, Simple Notes of Lessons, Time Tables, Methods of Discipline. Construction of Schools, including Ventilation and Lighting.

## INDUSTRIAL WORK. (For Men.)

Instruction under competent European supervision in one or more of the following :—

- (a) Gardening and field work ;
- (b) The use of carpenters' and builders' tools ;
- (c) Native industries, such as pottery, basket-weaving and mat-weaving, etc.

The training should not only aim at the production of industrial skill, but should be arranged so as to secure that the teacher would be able to develop and supervise some of these industrial occupations in the mission schools.

The scheme of instruction proposed for each training institution must be submitted to the Department for sanction.

#### INDUSTRIAL WORK. (For Women.)

Instruction under competent European supervision in Needlework or other domestic or industrial occupation approved by the Director of Education.

### III.—INSTRUCTION COURSES FOR TEACHERS.

At least until such time as a better qualified type of native teacher has been produced in the training institutions, courses of instruction extending over a period of about four weeks will be held periodically in cases where not less than thirty acting teachers present themselves for instruction, and where adequate provision is forthcoming for

(a). Class-room purposes; and

(b) The accommodation of instructors and teachers.

Grants-in-aid of such courses will be made as follows:—

1. The Director of Education may at his discretion make payment of an amount not exceeding £36 (thirty-six pounds) in all, or at the rate of 9s. (nine shillings) per hour to each competent instructor, not being an Inspector of the Education Department, engaged for the course. Such payment shall be additional to any emoluments such instructor may receive from other sources.
2. The number of hours of instruction shall be not less than four per day, and the number of days of instruction not less than five per week during the course.
3. The number of instructors appointed to conduct such vacation or instruction courses shall be at the discretion of the Director of Education, the proportion being approximately one instructor teaching full time to every thirty teachers in attendance.
4. Grants at the rate of 30s. (thirty shillings) per head may be paid at the end of the course towards the subsistence of each teacher in regular attendance, such payments to be made to the Superintendent of the Institution in cases where he undertakes the provision of board and accommodation, or to the individual teachers themselves in cases where no common boarding arrangements can be made.
5. A grant not exceeding £20 (twenty pounds) for every thirty teachers in attendance shall be made towards the provision of such books and other school material as may be required for the course.









## ***Exemption.***

Relief from the operation of certain special laws affecting natives is afforded by the Coloured Persons Exemption Proclamation, No. 35 of 1901, and by the Natives Relief Ordinance, No. 28 of 1902.

Letters under the former enactment afford immunity from the Pass Regulations, the Night Passes Ordinance, the Municipal Bye-laws relative to the use of side-walks and residence in locations, and the Native Tax Ordinance, and from such other laws as the Governor may from time to time notify.

Under Ordinance No. 28 of 1902, relief is granted from the Pass Regulations, the Night Passes Ordinance, and certain Municipal Bye-laws.

By Government Notice No. 542 of 1902, provision is made for the issue of Protecting Certificates to Coloured Persons who are not easily distinguishable from natives.

### THE COLOURED PERSONS EXEMPTION PROCLAMATION, No. 35 OF 1901.

Whereas it is desirable to relieve certain coloured persons residing in this Colony from the operation of the Law relating to passes and such other laws as the Administrator of the Transvaal may from time to time notify :

Now therefore, by virtue of the authority in me vested, I do hereby declare, proclaim, and make known as follows :—

1. Any ordained coloured minister of a recognised Christian denomination, any coloured person holding a certificate of qualification as an elementary teacher or any higher educational certificate from the Education Department in this or any other British Colony, and any coloured person who exercises a profession or trade may apply to the Commissioner for Native Affairs for a Letter of Exemption in the form in the Schedule hereto annexed relieving him from the operation of the Law relating to passes or such \*other laws as may from time to time be notified in the *Gazette* by the Administrator of the Transvaal.

2. (1) Every Letter of Exemption shall be signed by the Commissioner for Native Affairs, and shall be registered, and a copy thereof filed in his office, and shall have endorsed thereon the date of such registration.

(2) No such Letter of Exemption shall be issued to any person applying therefor until he shall have taken an oath or declaration or affirmation of allegiance to His Majesty, His Heirs or Successors, before some person authorised to administer the same.

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\* By Government Notice 496, 1902, exemption applies to the Taxation Ordinance.



3. Every coloured person who has obtained a Letter of Exemption shall carry it with him, and shall produce it at the request of any Police or Pass Official, and on failure to do so shall be liable on conviction to a fine not exceeding 10s., or in default thereof to imprisonment not exceeding three days.

4. Every application for a Letter of Exemption shall be made by petition to the Commissioner for Native Affairs, and the following requirements shall be complied with by the applicant :—

- (a) The petition must state the petitioner's full name, age, and residence, place of birth, and the length of time he has resided in this Colony ; his trade or profession.
- (b) In the case of a Minister of Religion, the petition must state the date of his ordination, the person by whom he was ordained, and the religious denomination of which he is a Minister.
- (c) Where the petitioner is the holder of a certificate of qualification as an elementary teacher or of any higher educational certificate, such certificate must be produced by him.

5. To every such petition there shall be attached an affidavit sworn to, solemnly declared, or affirmed by the petitioner before any Justice of the Peace in this Colony verifying the allegations in the petition.

6. Any person who shall wilfully and falsely swear, solemnly declare, or affirm that his allegations in the said petition are true when in truth they are not shall be deemed to be guilty of perjury, and on conviction shall be liable to the penalties by law provided for that offence.

7. The Commissioner for Native Affairs shall have full power and authority to investigate the truth of the statements contained in the petition or to require the petitioner to furnish any additional information or any explanation he may consider necessary ; and the said Commissioner may for any reason which appears to him sufficient refuse to issue to such petitioner a Letter of Exemption.

8. It shall be lawful for the Administrator from time to time to notify in the *Gazette* any other laws to be included under this Proclamation, and on such notification as aforesaid the provisions of this Proclamation shall *mutatis mutandis* apply to the laws mentioned in such notice.

9. Every person to whom a Letter of Exemption shall be granted under this Proclamation shall from and after the date of the delivery of such Letter to him be deemed and reckoned as exempt from the provisions and operation of the laws mentioned in the first paragraph hereof or hereafter notified in the *Gazette*.

10. This Proclamation shall be cited for all purposes as "The Coloured Persons Exemption (or Relief) Proclamation, 1901."

## SCHEDULE.

To All to whom these Presents shall come, Greeting :

Whereas under the provisions of the "Coloured Persons Relief Proclamation, 1901," I am empowered to grant Letters of Exemption to any coloured person residing in this Colony and coming within any of the classes of coloured persons described in section *one* of this Proclamation: and whereas A. B., being at the present time residing at....., in the District of..... has in conformity with the provisions of the said Proclamation been deemed to be entitled to be relieved from the operation of certain laws mentioned in the said Proclamation and in Government Notice..... :

Now know ye that by and under the powers vested in me by the said Proclamation I do hereby make known and declare that A. B. shall be and is hereby declared to be exempted from and taken out of the operation of the laws relating to passes and to [here mention any other laws included in the Proclamation by Notice in the *Gazette*].

Given by me this.....day of.....  
in the Year of our Lord.....  
at.....

(Signed).....  
Commissioner for Native Affairs.

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THE NATIVES RELIEF ORDINANCE. No. 28 of 1902.

Whereas it is desirable to relieve from the operation of the Pass Law certain respectable and deserving natives to whom the said Law applies, but who are not entitled to Letters of Exemption under the terms of the "Coloured Persons Exemption (or Relief) Proclamation, 1901":

Be it enacted by the Lieutenant-Governor of the Transvaal, with the advice and consent of the Legislative Council thereof as follows:—

1. Any native, as defined by Proclamation Transvaal No. 37 of 1901, who shall be employed under a contract of service as a skilled artisan, mechanic, tradesman, or other skilled employee, or who shall on his own behalf carry on some trade or business may upon producing satisfactory evidence thereof on application at the offices mentioned in the next succeeding section be granted a Certificate of Registration under this Ordinance, which certificate shall exempt the holder from the operation of the existing Law relating to passes. Certificates of Registration may be issued to certain Natives.

2. Certificates of Registration under this Ordinance shall be granted at any office where passes or passports are issued in the Transvaal. Where Certificates of Registration shall be issued.

Fees to be paid on issue. 3. A Certificate of Registration shall be valid for twelve months and upon issue or renewal thereof there shall be paid by the person to whom it is issued the sum of One Pound to be denoted by Revenue Stamps which shall be affixed to the certificate by the applicant and cancelled by the official issuing it.

If the holder of a certificate fails or neglects to renew the same within a period of twenty-one days from the date of its expiration he shall become subject to the provisions of Proclamation Transvaal No. 37 of 1901 and the Regulations thereunder until he shall again have obtained such a certificate.

Certificate not transferable. 4. A Certificate of Registration shall not be transferable, and any holder of a certificate transferring it to any other person, and any person using a certificate to which he is not entitled shall be liable on conviction to a fine not exceeding Ten Pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding six months or to both such fine and such imprisonment.

Loss of Certificate. 5. In the event of the loss of a Certificate of Registration application may be made for a duplicate, which may be granted on payment of a fee of Five Shillings to be denoted by Revenue Stamps affixed to the duplicate by the applicant and cancelled by the official issuing it.

Form of application for certificate. 6. Every application for a Certificate of Registration shall be as nearly as possible in the form in the Schedule annexed to this Ordinance.

Title. 7. This Ordinance may be cited as the "Natives Relief Ordinance, 1902."

#### SCHEDULE.

##### *Form of Application for Certificate of Registration.*

	No.....
Name of Applicant .....	
Residing at .....	
Working at .....	
Age .....	
Occupation.....	
Name and Description of	Father .....
	Mother.....
Married or Single.....	
References .....	
(Town or District).....	
(Date) .....	
Issued under Ordinance No. 28 of 1902.	

#### GOVERNMENT NOTICE No. 542, 1902.

As it appears that certain respectable coloured persons, not being natives as defined by Proclamation No. 37 of 1901, are liable to inconvenience on account of Police and other Officials being unable clearly to distinguish those who come within the provisions of the Pass Law, it is hereby notified that such persons may, on application at this Office, and on payment of a fee of £1, receive Certificates of Registration, available for one year, which, on production when required, will relieve them of such inconvenience.









## **Game.**

The Game Laws of the Transvaal, Ordinance No. 5 of 1905, and the Proclamations and Notices thereunder are within the jurisdiction of Native Commissioners and Sub-Commissioners, who have power to impose the penalties provided.

### THE GAME PRESERVATION ORDINANCE. No. 5 OF 1905.

*To consolidate and amend the Law relating to the Preservation of Game.*

Whereas it is expedient to consolidate and amend the law of this Colony relating to the preservation of game :

Be it enacted by the Lieutenant-Governor of the Transvaal with the advice and consent of the Legislative Council thereof as follows :—

1. The Game Preservation Ordinance 1902 and the Game Preservation Amendment Ordinance 1903 shall be and are hereby repealed. Repeal of laws.

2. In this Ordinance and any Regulations made thereunder unless inconsistent with the context : Interpretation of terms.

“ game ” shall mean all birds and animals named in the Schedule hereto as amended by Proclamation under section *three* ;

“ big game ” shall mean the birds and animals mentioned in the Part II. of the Schedule to this Ordinance or in such part of the Schedule as amended by Proclamation under section *three* ;

“ occupier ” shall mean any person who is the owner of land or the lessee of land under an agreement in writing with the owner thereof or who has the right of shooting over land under an agreement in writing with the owner thereof ;

“ hunt ” shall mean shooting at pursuing taking killing or wilfully disturbing ;

“ sell ” shall mean selling hawking offering or exposing for sale ;

“ police officer ” shall mean an officer constable or trooper of any police force established in this Colony by any law and in addition shall include any person appointed a warden or ranger of a reserve under Regulations mentioned in section *four* :

“ close season ” shall mean the period from time to time fixed by Proclamation under section *three* within which it shall not be lawful to hunt game save as in this Ordinance provided :



“open season” shall mean any period which is not close season ;

“Magistrate” shall mean a Resident Magistrate Assistant Resident Magistrate Native Commissioner Native Sub-Commissioner and Resident Justice of the Peace : the term “Resident Magistrate” shall mean that officer only ;

“Court” shall mean the Court of a Magistrate as in this section defined ;

“owner” shall in the case of private land mean the registered owner thereof and in the case of town lands or municipal lands the town clerk of the municipality and in the case of Crown Land the Commissioner of Lands or any person appointed by him to exercise powers conferred upon an owner or occupier by this Ordinance.

Power of Lieutenant-Governor by Proclamation in *Gazette* to fix close seasons list of protected game define reserves and amend Schedule.

3. The Lieutenant-Governor may from time to time by Proclamation in the *Gazette* :

- (a)\* prescribe fix and alter for this Colony or for any district or portion of a district thereof the period of the close season within which it shall not be lawful save as in this Ordinance excepted to hunt such game as are mentioned in such Proclamation ;
- (b)† prescribe a list of birds and animals which shall be protected throughout the year for a period to be specified (not exceeding three years) and to add to or otherwise vary such list ;
- (c)‡ add to or withdraw from either part of the Schedule to this Ordinance the names of any bird or animal ;
- (d)§ define reserves within which it shall not be lawful to hunt game without the special permission in writing of the Colonial Secretary.

Power of Lieutenant-Governor to make Regulations.

4. (1) The Lieutenant-Governor may from time to time make alter and repeal Regulations not inconsistent with the provisions of this Ordinance for all or any of the following matters :

- (a)|| prohibiting or regulating the capture or destruction of game by means of nets springes gins traps snares or other contrivances and regulating the coursing of game with dogs ;
- (b) regulating the taking disturbance destruction purchase or sale of the eggs of game and the young of game ;
- (c) regulating the export from the Colony of game or the horns tusks skins or hides of game ;
- (d) regulating the destruction of vermin and the payment of rewards for such destruction and declaring from time to time what birds and animals shall be deemed vermin for the purposes of such Regulations :

\* *Vide* Proclamations 23 and 107 of 1906.

† *Vide* Proclamations 24 and 25 of 1906.

‡ *Vide* Proclamation No. 31, 1907.

§ *Vide* Proclamation No. 31, 1906.

|| *Vide* Government Notice No. 231 of 1906.

- (e) for the protection and preservation of game within any reserve established by Proclamation under section *three* and for the appointment of wardens and rangers of such reserve and the regulation of traffic through such reserve ;
- (f) regulating the taking of the young of ostriches and ostriches, eggs and generally for encouraging the industry of ostrich farming and prescribing the manner of payment of the export duty mentioned in section *thirteen* ;
- (g) regulating the hunting of game for scientific purposes ;
- (h) fixing and altering the fees to be paid for any license or permit issued under this Ordinance ;
- (i) regulating the manner of issue of licenses and permits and prescribing the forms of such licenses and permits.

Any such Regulation shall upon publication thereof in the *Gazette* be of the same force and effect as if it were contained in this Ordinance.

(2) The Lieutenant-Governor may prescribe in any such Regulations penalties for a contravention thereof not exceeding a fine of fifty pounds.

5. (1) No person shall save as is excepted in this Ordinance or any Regulations made thereunder hunt game during the close season. Prohibition of hunting or sale of game during close season save as in this Ordinance excepted.
- (2) No person shall save as in this Ordinance excepted sell game dead or alive during the close season unless the same shall have been lawfully taken during the open season or shall have been imported from oversea.
- (3) Any person contravening any provision of this section shall be liable on conviction to a fine not exceeding fifty pounds.
6. (1) No person shall hunt any bird or animal protected by a Proclamation issued under paragraph (b) of section *three*. Prohibition of and penalties for hunting game protected by Proclamation or in reserves.
- (2) No person shall hunt game in any reserve defined by Proclamation under paragraph (d) of section *three* without the written permission of the Colonial Secretary.
- (3) Any person contravening any provision of this section shall be liable on conviction to a fine not exceeding two hundred pounds.
7. (1) No person shall save as is excepted in this Ordinance or any Regulations made thereunder hunt or sell game unless he is duly licensed in accordance with the provisions of the next succeeding section. Prohibition of and penalties for hunting or selling game without the necessary license or contravening conditions of license.
- (2) The following penalties shall be imposed upon any person convicted of a contravention of this section :
  - (a) for hunting game (other than big game) without a game license or for contravening any condition of such license a fine not exceeding twenty-five pounds ;
  - (b) for hunting big game without a big game license or for contravening any condition of such license a fine not exceeding one hundred pounds ;

- (c) for selling game without a sale license or for contravening any condition of such license a fine not exceeding fifty pounds.

Classes of  
licenses which  
may be issued  
under this  
Ordinance.

8. Licenses may be granted under this Ordinance of the following descriptions :

- (a) a " game license " which shall be issued by any Receiver of Revenue for a period not longer than one year or for not less than one month and which shall entitle the holder thereof to hunt game (other than big game) during the period of the license ;
- (b) a " big game license " which may be issued by the Colonial Secretary to such persons as he may think fit and which shall entitle the holder thereof to hunt such big game and in such numbers as may be mentioned in the license and on such conditions as may be endorsed thereon ;
- (c) a " sale license " which shall be issued by any Receiver of Revenue upon production of a certificate from the Resident Magistrate of the district in which the applicant resides that the applicant is to the best of his knowledge and belief a fit and proper person to sell game ; such license shall entitle the holder thereof to sell game dead or alive during the open season and in the case of game which was lawfully taken or killed during the open season or which has been imported from oversea to sell the same at any time.

Conditions of  
license.

9. The following conditions shall be applicable to and endorsed upon every license issued in accordance with the provisions of section *eight* :

- (a) it shall not be transferable by the person to whom it is issued ;
- (b) it shall be produced upon the demand of any police officer ;
- (c) it shall be liable to be cancelled by the Court on conviction for a contravention by the holder of any provision of this Ordinance or of any Regulations made thereunder ;
- (d) it shall be valid for the period for which it was issued and no longer ;
- (e) any condition authorised by section *eight* for any particular class of license.

Rights of  
owner to hunt  
game upon  
his own land  
under certain  
conditions.

10. Notwithstanding anything in this Ordinance contained it shall be lawful :

- (a) for the owner or lessee of land not being a native resident upon Crown Land or in a location or native reserve or upon land used as a mission station during the open season to hunt game (other than big game) upon such land without a license and to sell game hunted upon such land (other than big game) without a sale license ;
- (b) for the owner occupier or cultivator of land to destroy game thereon which is causing damage to trees plants or standing crops ;

- (c) for the person authorised to hunt game for scientific purposes under Regulations mentioned in section *four* to hunt such game as may be named in the permit issued to him.

11. (1) No person shall at any time and whether he is the holder of a license under this Ordinance or not be upon any land in pursuit of or in search of game unless he is the occupier thereof or has the permission in writing of the occupier or if the land be unoccupied of the owner or if the shooting rights have been leased to some person other than the occupier of the lessee of such rights.

Prohibition of trespass in pursuit of game.

Any person acting in contravention of the provisions of this sub-section shall be liable on conviction to a penalty not exceeding fifty pounds in the case of enclosed land or twenty-five pounds in the case of unenclosed land.

(2) If any person be found at any time on land in pursuit of or in search of game he may be required by the occupier of such land or by any servant or other person authorised thereto by such occupier or if such land be Crown Land by a Magistrate Justice of the Peace or police officer to state his true name and place of abode and forthwith to quit such land and if he shall fail to comply immediately with any such requirement he shall be guilty of an offence.

(3) Any dog found unaccompanied by its owner or other person having control over the same in pursuit of game upon land may be destroyed forthwith by or on the order of the occupier of such land.

12. The Commissioner of Lands may in his discretion grant permission in writing to any person subject to any Regulations made under paragraph (f) sub-section (1) of section *four* to capture the young of wild ostriches upon Crown Land or to take the eggs of ostriches and the owner or lessee of any private land may in relation to such land exercise the same powers subject to the Regulations aforesaid.

Taking of young of wild ostriches and ostrich eggs.

13. (1) Upon every ostrich exported from this Colony except as in this section provided there shall be payable a duty of one hundred pounds and upon every ostrich egg so exported there shall be payable a duty of five pounds; provided that no such duty shall be payable on the export of any ostrich or ostrich egg to any Colony or territory in South Africa if by the law of such Colony or territory a duty is payable on the export therefrom of ostriches or ostrich eggs respectively not less in amount than the duties imposed by this section.

Export duty on ostriches and ostrich eggs.

(2) Any person who shall contravene the provisions of this section shall be liable on conviction to a fine not exceeding two hundred pounds for every ostrich and twenty-five pounds for every ostrich egg the subject of such conviction.

Interpretation of sub-section (9) of section *forty-two* of Ordinance No. 58 of 1903 in so far as it relates to game.

Evidence.

Penalties when not expressly provided for contravention of Ordinance.

Periods of imprisonment in default of payment of penalties.

Forfeiture of skins and of license.

14. Nothing in sub-section (9) of section *forty-two* of the Municipal Corporations Ordinance 1903 contained shall be taken as empowering the Council of a Municipality to make Regulations inconsistent with the provisions of this Ordinance or any Regulations made thereunder but such sub-section shall so far as it relates to game be deemed to confer upon such Council in relation to lands under its control such rights as are conferred by this Ordinance upon an owner occupier lessee or cultivator of land and power to make Regulations for that purpose.

15. (1) The possession of the carcasses meat skins hides horns or tusks of freshly killed game shall be *prima facie* evidence against a person accused of contravening this Ordinance or any Regulation made thereunder that he has hunted such game.

(2) Any person charged with doing any act for which by this Ordinance a license or permission is required shall be deemed to be without such license or permission unless he shall produce the same to the Court or give other satisfactory proof of possessing the same.

(3) The burden of proving any fact which would be a defence to a charge of contravening this Ordinance or any Regulation made thereunder shall lie upon the person charged.

16. Any person contravening any provision of this Ordinance for the contravention of which no penalty is expressly provided shall be liable on conviction to a fine not exceeding five pounds and for any second or subsequent offence to a fine not exceeding twenty pounds.

17. Whenever any fine shall have been imposed under the provisions of this Ordinance or any Regulations made thereunder and the person convicted shall not forthwith pay the same the Court may order that such person be imprisoned with or without hard labour for a period :

- (a) not exceeding seven days if the fine imposed does not exceed five pounds ;
- (b) not exceeding fourteen days if the fine imposed does not exceed ten pounds ;
- (c) not exceeding one month if the fine imposed does not exceed twenty pounds ;
- (d) not exceeding six week if the fine imposed does not exceed twenty-five pounds ;
- (e) not exceeding two months if the fine imposed does not exceed fifty pounds ;
- (f) not exceeding three months if the fine imposed does not exceed one hundred pounds ;
- (g) not exceeding six months if the fine imposed be above one hundred pounds ;

unless such fine be sooner paid.

18. The Court may order that any game or any skin hide horns tusks or carcass of game found in possession of any person convicted of a contravention of this Ordinance or any Regulations made thereunder may be seized and forfeited and may cancel any license or permit granted to any such person under this Ordinance.

19. All fines and the value of all forfeitures imposed for contravening this Ordinance or any Regulations made thereunder shall be paid into the public revenues of the Colony; provided that the Court may order that a sum not exceeding one-half of any fine imposed be paid to any person by whose information a conviction shall have been obtained for such contravention aforesaid.

Application of penalties.

20. The Court shall have special jurisdiction to impose the maximum penalties provided for a contravention of this Ordinance or Regulations made thereunder; provided that convictions and sentences imposed by such Court shall be subject to review by and appeal to the Supreme Court in the same manner and under the same conditions as are convictions and sentences of Courts of Resident Magistrate under the Magistrates Court Proclamation 1902 or any amendment thereof and the provisions of sections *thirty-nine* to *forty-three* inclusive of the said Proclamation as amended from time to time by any law shall apply in the case of any such review or appeal.

Special jurisdiction of Courts to impose maximum penalties: reviews by and appeals to Supreme Court.

21. Notwithstanding anything in the Arms and Ammunition Ordinance 1902 contained it shall be lawful for any warden or ranger of a reserve established under section *three* of this Ordinance to be in possession of arms and ammunition while acting in the discharge of his duty under the Regulations made under this Ordinance without having a license to possess such arms and ammunition.

Amendment of Arms and Ammunition Ordinance 1902.

22. This Ordinance may be cited for all purposes as the Game Preservation Ordinance 1905\* and shall come into operation on a day to be hereafter fixed by Proclamation of the Lieutenant-Governor in the *Gazette*.

Title and date of taking effect.

## SCHEDULE.

### PART I.

(AS AMENDED BY PROCLAMATION No. 37, 1907.)

Coqui francolin or Shrimpy	Francolinus Coqui	...	Patrijs.
Smith's francolin	Francolinus sophoena	...	Patrijs.
Greywing or Cape partridge	Francolinus Africanus	...	Patrijs.
Cape redwing	Francolinus levaillanti	...	Patrijs.
Orange River francolin	Francolinus gariensis	...	Patrijs.
Shelley's francolin	Francolinus shelleyi	...	Patrijs.
Redbilled francolin	Francolinus adspersus	...	Patrijs.
Natal francolin	Francolinus natalensis	...	Patrijs.
Buttkofer's francolin	Francolinus jugularis	...	Patrijs.
Noisy francolin or Cape pheasant	Francolinus capensis	...	Faisant.
Rednecked francolin	Pternistes nudicollis	...	Faisant.
Swainson's francolin	Pternistes swainsoni	...	Faisant.
Humboldt's francolin	Pternistes humboldti	...	Faisant.
Common guineafowl	Numida coronata	...	Tarentaal.
Crested guineafowl	Numida edouardi	...	Kuifkop tarentaal.
Dikkop	Oedienemus capensis	...	Dikkop.
Bush bustard	Otis ruficrista	...	Bosch knorhaan.
Barrow's bustard	Otis barrovii	...	Knorhaan.
Blue bustard	Otis caerulescens	...	Blaauw knorhaan.
Ruppell's bustard	Otis ruppelli	...	Knorhaan.
Vaal bustard	Otis vigorsii	...	Vaal knorhaan.

\* By Proclamation No. 22, 1906, this Ordinance was brought into operation from the 2nd March, 1906.

White-quilled or cackling bustard	...	Otis leucoptera	...	Knorhaan.
Hartlaub's bustard	...	Otis hartlaubi	...	Knorhaan.
Black-billed or silent bustard	...	Otis melanogaster	...	Zwartpens knorhaan.
Ludwig's bustard	...	Otis ludvigi	...	Paauw.
Stanley bustard	...	Otis cafra	...	Veld paauw.
Kori bustard	...	Otis kori	...	Gom paauw.
Namaqua partridge	...	Pterocles Namaqua	...	Namaqua patrijs.
Spotted sandgrouse	...	Pterocles variegatus	...	—
Yellow-throated sandgrouse	...	Pterocles gutturalis	...	—
Double-banded sandgrouse	...	Pterocles bicinctus	...	—
White-bellied stork	...	Abdimia abdimi	...	Groote zwarte sprinkhaan vogel.
White stork	...	Ciconia ciconia	...	Groote witte sprinkhaan vogel.
Buff-backed egret	...	Bubulcus ibis	...	Bosluis vogel.
Black-winged pratincole	...	Glareola melanoptera	...	Kleine sprinkhaan vogel.
Red-winged pratincole	...	Glareola Fusca	...	Roodvlengel sprinkhaan vogel.
Wattled starling	...	Perissornis carunculatus	...	Lelspreenw.
White-masked duck	...	Dendrocygna viduata	...	—
Knob-billed duck	...	Sarcidornis melanonota	...	Knobbel eend.
S.A. shell duck	...	Casarca cana	...	Bergeend.
Red-billed teal	...	Poecilometopos erythrorhynchos	...	Smee eend.
Yellow-billed teal	...	Anas undulata	...	Geelbek.
Black duck	...	Anas sparsa	...	Zwart eend.
Hottentot teal	...	Nettion punctatum	...	—
Cape teal	...	Nettion capense	...	Teel eendje.
Cape shoveller	...	Spatula capensis	...	Slop.
S.A. pochard	...	Nyroca erythrophthalma	...	—
White-backed duck	...	Thalassornis leucanota	...	Witrugeend.
Maccoa duck	...	Eristalis maccoa	...	—
Spurwinged goose	...	Plectropterus niger	...	Wilde makouw.
Egyptian goose	...	Chenalopex aegyptiacus	...	Wilde gans.
African dwarf goose	...	Nettion aegyptiacus	...	Dwerg gans.
Cape hare	...	Lepus capensis	...	Vlake haas.
Rock hare	...	Lepus saxatilis	...	Kolhaas.
Red hare	...	Lepus crassicaudatus	...	Kliphaas.
Blesbuck	...	Damaliscus albifrons	...	Blesbok.
Duiker	...	Cephalophus grimmi	...	Duiker.
Red duiker	...	Cephalophus natalensis	...	Umzumbi.
Klipspringer	...	Oreotragus saltator	...	Klipspringer.
Oribi	...	Ourebia scoparia	...	Oribi.
Steinbuck	...	Rhaphiceros campestris	...	Steenbok.
Grysbuck	...	Rhaphiceros melanotis	...	Grysbok.
Waterbuck	...	Cobus ellipsiprymnus	...	Waterbok.
Reedbuck	...	Cervicapra arundinum	...	Rietbok.
Rooi reebuck	...	Cervicapra fulvorufula	...	Rooi reebok.
Vaal reebuck	...	Polea capreola	...	Vaal reebok.
Pallah	...	Aepyceros melampus	...	Rooibok or Impala.
Springbuck	...	Antidorcas euchore	...	Springbok.
Bushbuck	...	Tragelaphus sylvaticus	...	Boschbok.
Warthog	...	Phacochoerus aethiopicus	...	Vlakvark.

## PART II.

Elephant	...	Elephas africanus	...	Olifant.
Hippo	...	Hippopotamus amphibius	...	Zeeke.
Buffalo	...	Bos caffer	...	Buffel.
Eland	...	Oreos canna	...	Eland.
Gemsbok	...	Oryx gazella	...	Gemsbok.
Giraffe	...	Giraffa capensis	...	Kameel.
Kudu	...	Strepsiceros kudu	...	Koedoe.
Hartebeest (red)	...	Bubalis caama	...	Hartebeest.
Hartebeest (Lichtenstein)	...	Bubalis lichtensteini	...	Mof hartebeest.

Sassaby ...	...	Damuliscus limatus ...	...	Bastard hartebeest.
Rhinoceros ...	...	Rhinoceros bicornis ...	...	Rhenoster.
Quagga ...	...	Equus quagga ...	...	Kwagga.
Zebra ...	...	Equus burchelli ...	...	Kwagga or zebra.
Ostrich ...	...	Struthio australis ...	...	Vogelstruis.
Crested crane ...	...	Chrysopelargus balearica ...	...	Mahem.
Roan antelope ...	...	Hippotragus equinus ...	...	Bastard gemsbok or bastard eland.
Sable antelope ...	...	Hippotragus niger ...	...	Zwartwitpens.
Wildebeest (blue)	...	Connochoetus taurinus ...	...	Blaau wildebeest.
Wildebeest (black)	...	Connochoetus gnu ...	...	Zwart wildebeest.

#### PROCLAMATION No. 23, 1906.

Whereas by sub-section (a) of section *three* of the "Game Preservation Ordinance 1905" it is provided that it shall be lawful for the Lieutenant-Governor by Proclamation to prescribe fix and alter for this Colony or for any district or portion of a district thereof the period of the close season :

Now therefore under and by virtue of the powers thus vested in me I do hereby declare proclaim and make known that the close season within which it shall not be lawful save as in the said Ordinance excepted to hunt such game as are mentioned in the Schedule attached to the said Ordinance shall be for each of the districts of the Transvaal from the first day of September to the twelfth day of April both days inclusive in each year and that Proclamation No. 28 (Administration) of 1905 shall be and is hereby cancelled.

#### PROCLAMATION No. 107, 1906.

Under and by virtue of the powers vested in me by sub-section (a) of section *three* of the Game Preservation Ordinance 1905 I do hereby declare proclaim and make known that the close season within which it shall not be lawful save as in the said Ordinance excepted to hunt Crowned Guineafowl (*Numida coronata*) shall be for the Wards Low Country Klein Letaba Groot Spelonken and Klein Spelonken in the District of Zoutpansberg and that portion of the Ward Mara in the District of Zoutpansberg which lies to the north of the Blaauwberg Range of mountains from the thirteenth day of January to the twelfth day of April both days inclusive in each year and that Proclamation No. 23 (Administration) of 1906 shall be and is hereby cancelled so far as it concerns Crowned Guineafowl (*Numida coronata*) in the above-mentioned areas.

#### PROCLAMATION No. 24, 1906.

Under and by virtue of the powers in me vested by section *three* of the Game Preservation Ordinance 1905 I do hereby proclaim and make known that the animals mentioned in the first column of the Schedule hereto shall for the periods mentioned in the second column thereof be protected and not destroyed in the districts or portions of districts set opposite the names of such animals in the third column of the said Schedule and that Proclamation No. 27 (Administration) of 1903 Proclamation No. 81 (Administration) of 1903 Proclamation No. 35 (Administration) of 1904 and Proclamation No. 45 (Administration) of 1905 shall be and are hereby cancelled.



## SCHEDULE.

Animals.	Date to which Protected.	District in which Protected.
Waterbuck ( <i>Cobus Ellipsiprymnus</i> )	30th Sept., 1906	Whole Colony except Barberton Magisterial District.
Reedbuck ( <i>Cervicapra Arundinum</i> )	31st Dec., 1908 30th Sept., 1906	Waterberg Magisterial District. Whole Colony except Barberton, Lydenburg, Zoutpansberg and Waterberg Magisterial Districts.
Gemsbok ( <i>Oryx Gazella</i> )	21st Dec., 1906	Whole Colony.
Large Crested Paauw ( <i>Otis Rufficrista</i> )	21st Dec., 1906	Whole Colony.
Oribi ( <i>Ourebia Scoparia</i> )	16th June, 1907	Whole Colony.
Blesbok ( <i>Damaliscus Albifrons</i> )	16th June, 1907	Lydenburg Magisterial District.
" "	17th May, 1908	Middelburg and Wolmaransstad Magisterial Districts and that part of Potchefstroom Magisterial District under the jurisdiction of the Assistant Resident Magistrate of Klerksdorp.
Springbuck ( <i>Antidorcas Eucore</i> )	16th June, 1907	Lydenburg Magisterial District.
" "	17th May, 1908	Middelburg Magisterial District and that part of Potchefstroom Magisterial District under the jurisdiction of the Assistant Resident Magistrate of Klerksdorp.
Klipspringer ( <i>Oreotragus Saltator</i> )	16th June, 1907	Lydenburg Magisterial District.
Vaal Rhebok ( <i>Pelea Capreola</i> )	16th June, 1907	That part of Potchefstroom Magisterial District under the jurisdiction of the Assistant Resident Magistrate of Klerksdorp.
Bushbuck ( <i>Tragelaphus Sylvaticus</i> )	31st Dec., 1908	Waterberg Magisterial District.
Bush Korhaan ( <i>Otis Afra</i> )	31st Dec., 1908	That part of Wolmaransstad Magisterial District under the jurisdiction of the Resident Justice of the Peace of Schweizer-Reneke.
Rooibuck ( <i>Aepyceros Melampus</i> )	31st Dec., 1908	Middelburg Magisterial District.

## PROCLAMATION No. 25, 1906.

Under and by virtue of the powers in me vested by section three of the Game Preservation Ordinance 1905 I do hereby declare proclaim and make known that Springbuck (*Antidorcas eucore*) shall for a period of three years from the date of the first publication of this Proclamation be protected and not destroyed on the Government farms named in the annexed Schedule A situate in the Districts of Waterberg and Zoutpansberg known as Springbok Flats the boundaries of which are described in the annexed Schedule B and that Proclamation No. 81 (Administration) of 1905 shall be and is hereby cancelled.

## PROCLAMATION No. 31, 1906.

Under and by virtue of the powers in me vested under the provisions of sub-section (d) of section *three* of the Game Preservation Ordinance 1905 I hereby declare proclaim and make known that the areas defined in the Schedule attached hereto shall be and are hereby established as Reserves within which it shall not be lawful to hunt game without the special permission in writing of the Colonial Secretary and that Proclamations (Administration) Nos. 11 and 12 of 1902 and 7, 17, 19 and 38 of 1903 shall be and are hereby cancelled.

Game  
Reserves.

## SCHEDULE.

1. The Town Lands of Pretoria.
2. The farm Groenkloof (Fountains) in the neighbourhood of Pretoria.
3. The area within the following boundaries in the District of Piet Retief. *i.e.*,
  - On the North by Swaziland ;
  - On the East by Zululand ;
  - On the South by the Pongola River ;
  - On the West by the farm Rooirandpoort.
4. The area within the following boundaries in the District of Zoutpansberg. *i.e.*,
  - From the junction of the Groot and Klein Letaba Rivers northwards in a straight line to the Levoeboe or Purfuri River at Tshukuna's Kop ; thence along the course of that river to its junction with the Limpopo River ; thence southwards along the Transvaal Portuguese border to the Oliphants River ; thence up that river to its confluence with the Letaba River ; and thence along the course of that river to the junction of the Groot and Klein Letaba Rivers.
5. The area within the following boundaries, *i.e.*,
  - North—The Oliphants River ;
  - East—The Portuguese Boundary ;
  - South—The Crocodile River ;
  - West—The watershed running from the Crocodile Poort Railway Station to Logies Kop ; thence following the North Sand River to where it joins the Sabi River ; thence following the Sabi River to Mambateres Kraals to where it touches the Selati Railway Extension ; thence following the Selati Railway Extension to the Oliphants River.

REGULATIONS PUBLISHED UNDER GOVERNMENT  
NOTICE No. 231 OF 1906.

(As Amended by Notices 1341, 1906, and 221, 1907.)

REGULATIONS UNDER SECTION 4 OF THE GAME PRESERVATION  
ORDINANCE, 1905.

(A.)—*The use of Nets, Snares, etc., and Coursing with Dogs.*

1. No person shall capture or destroy game by means of nets, springes, gins, traps, snares, sticks or poison, or have in his possession or set or use any such net, gin, springe, trap, snare or poison for the purpose of capturing or destroying game unless he be acting under sub-section (b) of section *ten* of the Ordinance, or unless he shall have secured a permit under Regulation 32 hereof.

2. No person shall course game with dogs on Crown Land, whether a native location or not, unless he shall have first secured from the Resident Magistrate of the district in which such game is found a permit in the form given in Schedule A hereto. Every such permit shall distinctly state the number and description of game which the holder is entitled to kill.

3. It shall be lawful for a Resident Magistrate to refuse any application for a permit to course game on Crown Land without assigning any reason for such refusal.

4. Any person contravening the foregoing regulations or any condition of any permit issued under them shall be liable on conviction to a fine not exceeding £25.

(B.)—*Taking, etc., Eggs of Game and Young of Game*  
(*Ostriches Excepted*).

5. No person shall remove, disturb, or destroy the nest of any game bird unless such nest be upon cultivated land or land which is being prepared for cultivation, and no person shall remove, disturb or destroy any eggs or the young of any game bird or animal unless he shall have first secured from the Colonial Secretary a permit in the form given in Schedule B hereto. Every such permit shall distinctly state the number and description of such eggs, birds or animals which the holder is entitled to destroy or take.

6. It shall not be lawful for the Colonial Secretary to issue the permit provided for by the last preceding regulation unless he is satisfied that the eggs or the young of game to which the permit is to apply are required for the purposes of rearing or breeding, acclimatisation, or scientific investigation.

7. No person shall sell any eggs or the young of any game bird or animal unless he shall have first secured from the Colonial Secretary a permit in the form given in Schedule C hereto.

8. No person shall purchase the eggs of any game bird or the young of any game bird or animal from any person who has not secured a permit to sell the same as prescribed by the last preceding regulation.

9. Any person contravening any provision of the foregoing Regulations Nos. 5, 7 and 8, or any condition of any permit issued under them, shall be liable on conviction to a fine not exceeding £25.

(C).—*Export of Game, etc.*

10. No person shall export from the Colony game, dead or alive, and whether such dead game be fresh, dried or in any way preserved, unless he shall have first secured from the Colonial Secretary a permit in the form given in Schedule D.

11. It shall not be lawful for the Colonial Secretary to issue a permit under the preceding regulation unless he is satisfied that the game is not to be exported for purposes of trade or that the interests of science require that the permit shall be granted.

12. No person shall export from the Colony horns, tusks, skins or hides of game not forming a *bona fide* portion of the personal apparel or luggage of a passenger, unless he shall have first secured from the Colonial Secretary or a Magistrate a permit in the form given in Schedule E hereto.

13. The permits provided for by Regulations 10 and 12 hereof shall be surrendered at the time of export to the Customs officer or railway official who supervises the export or consignment.

14. Animals or goods for which a permit to export has been secured under Regulations 10 or 12 hereof shall not be exported at any point of the Transvaal border other than ports of entry.

15. Any person contravening any provision of the foregoing Regulations Nos. 10, 12, 13 and 14, or any condition of any permit issued under them shall be liable on conviction to a fine not exceeding £50.

(D).—*Vermin.*

16. The animals named in Schedule F hereto shall be deemed to be vermin, and rewards for the destruction of them shall be paid at the rates shown in the Schedule by the Resident Magistrate of the district in which they are destroyed.

\*17. Vermin may be destroyed by shooting, coursing, by means of nets, springes, gins, traps, snares, or by poison, provided that when poison is used for the destruction its use shall be subject to such conditions as the Resident Magistrate of the district may prescribe.

18. In proof of the destruction of vermin the applicant for reward will be required to produce in the case of lion, leopard, cheetah, lynx, serval cat, civet cat, Kaffir cat, genet cat, silver jackal and red jackal, the skin with the tail not severed; and in the case of wild dog, hyena and baboon, the head; and will also be required to make a written declaration in the form given in Schedule G hereto.

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\* As amended by Government Notice No. 221, 1907.

19. The skins of vermin for the destruction of which reward has been paid shall be the property of the Government, and shall, if in good condition, be marked by the official before whom they are produced at the juncture of the tail with the skin of the body with a perforating stamp, or in such other way as the Colonial Secretary may from time to time prescribe, and thereafter be sold by the Resident Magistrate by public auction or disposed of in such other way as he may consider to be best in the interests of the Government. The proceeds of such sale or disposal shall be paid into Revenue.

Skins not in good condition and heads shall be destroyed.

20. Any person who secures or attempts to secure for himself or any other person a reward for the destruction of vermin by means of a false declaration or by the production of skins or heads belonging to vermin, for the destruction of which a reward has already been paid, shall be liable on conviction to a fine not exceeding £10 for every head or vermin for which he has secured or attempted to secure such reward.

(E.)—*Reserves.*

21. The Colonial Secretary shall appoint for the Reserves established under sub-section (d) of section three of the Ordinance such Wardens, Rangers and Native Police as he may consider necessary.

22. The Colonial Secretary shall appoint for every such Reserve the points and routes by which alone persons may enter or pass through the Reserve. Such appointment shall be notified once in the *Government Gazette* and once in any newspaper (if any) circulating generally in the district in which such Reserve is situate.

23. No person shall enter or pass through a Reserve otherwise than at the points or by the routes appointed under the preceding regulation, provided that owners of private land situate in a Reserve or persons having the permission in writing of such owners shall have free access to every part of such land.

24. No person shall carry firearms within the limits of any such Reserve without the permission of the Warden or principal Ranger of such Reserve, and under the direction and control of such Warden or Ranger.

25. All persons within a Reserve shall conform to and obey all lawful orders and directions issued by the Warden or Rangers of such Reserve.

26. No person travelling through a Reserve shall camp within the limits of such Reserve for a longer period than is necessary for the repose of his animals and himself without the permission of the Warden or principal Ranger of such Reserve, provided that the right of owners of private land situated within the Reserve and of persons having the permission in writing of such owners to camp within such land shall not be interfered with.

27. It shall be lawful for the Warden or principal Ranger of a Reserve to destroy any dog found at large and not under control within the limits of such Reserve.

28. It shall be lawful for the Warden or principal Ranger of a Reserve to destroy any game within the Reserve, the continued existence of which is in his opinion prejudicial, whether on account of disease or for any other reason, to the health or well-being of the rest of the game in the Reserve; provided that such Warden or principal Ranger shall forthwith in every case report the fact and circumstances to the Colonial Secretary in writing.

29. No person shall squat in any such Reserve without the permission of the Warden or principal Ranger thereof.

30. No person not being a Warden, Ranger or Policeman appointed under Regulation 21 hereof shall destroy vermin within the limits of any Reserve without the permission of the Warden or principal Ranger.

31. Any person contravening any provision of the foregoing Regulations Nos. 23, 24, 25, 26, 29 and 30, shall on conviction be liable to a fine not exceeding £50.

(F.)—*Ostriches.*

32. No person shall upon Crown Land capture the young of wild ostriches or take the eggs of ostriches unless he shall have first secured from the Commissioner of Lands a permit in the form given in Schedule H hereto. Such permit shall distinctly state the number of young ostriches and eggs to be captured or taken, which shall in no case exceed 20 young ostriches and 60 eggs. No permit shall be of force for more than six months from the date of issue thereof.

33. It shall not be lawful for the Commissioner of Lands to issue a permit under the preceding regulation unless he is satisfied that the applicant for permit requires the ostrich chicks or eggs for his own use in ostrich farming on the land of which he is the occupier.

34. The amount of the export duty mentioned in section *thirteen* of the Ordinance shall be paid to a Collector of Customs. A receipt, duly signed by such Collector and stamped with the official stamp of the Customs Department—together with a stamped copy of the Export Entry—shall be sufficient authority for the export of the ostriches or ostrich eggs mentioned in it.

35. The stamped copy of the Export Entry mentioned in the next preceding Regulation shall be surrendered to the Customs officer or railway official supervising the export or consignment.

36. Any person contravening the provisions of Regulation 32 or the conditions of any permit issued thereunder shall be liable on conviction to a fine not exceeding £25.

37. Any person who shall, except with the permission of the Commissioner of Lands first obtained, sell or otherwise dispose of for profit any chick or egg captured or taken under the authority of a permit issued under Regulation 32 hereof, shall be liable on conviction to a fine not exceeding £25.

(G.)—*Hunting of Game for Scientific Purposes.*

38. It shall be lawful for the Colonial Secretary, provided he is satisfied that such game is required for scientific purposes, to issue at any time to any officer of the Government or to the authorised agent of the Government of any other British Possession or Foreign State or of any recognised Museum or Scientific Society a permit (Schedule I) to hunt such game as may be named therein on such land as may be named therein (whether such land be a Game Reserve or not), and to prescribe by such permit in what way such game shall be hunted; provided that no game shall be hunted within the limits of a Reserve established under the provisions of sub-section (d) of section *three* of the Ordinance, except by the officials appointed under Regulation 21 hereof.

(H.)—*Fees for Licenses and Permits.*

39. The fees to be paid for any license or permit issued under the Ordinance or the Regulations made by the Lieutenant-Governor under section *four* thereof shall be those prescribed in Schedule J hereto.

(I.)—*Forms of Licenses and Permits.*

40. The licenses and permits provided for by the Ordinances and these Regulations shall be in the forms given in Schedules A, B, C, D, E, F, G, H, I, J, K, L and M.

SCHEDULE A.

*Permit under Regulation 2.*

Permission is hereby granted to .....  
 of .....  
 to course the following descriptions of game, viz.:— .....  
 .....  
 on the Crown Land known as ..... situate in the Magisterial  
 District of .....  
 and to kill the following number thereof, viz.:— .....  
 .....

This Permit will be in force until.....

Dated this.....day of.....190...  
 at.....

.....  
 Resident Magistrate.

This Permit is not transferable.

SCHEDULE B.

*Permit under Regulation 5.*

Permission is hereby granted to .....  
.....  
of .....  
to destroy.....

Take  
.....  
to the number of .....  
.....  
on the land known as .....  
.....  
in the Magisterial District of .....  
.....

This Permit will be in force until .....  
.....190....

Dated this.....day of.....190....

.....  
Assistant Colonial Secretary.

This Permit is not transferable..

SCHEDULE C.

*Permit under Regulation 7.*

Permission is hereby granted to .....  
.....  
of .....  
to sell .....  
.....  
at.....in the Magisterial District  
of.....

This Permit will be in force until .....  
.....190....

Dated this.....day of.....190....

.....  
Assistant Colonial Secretary.

This Permit is not transferable.



## SCHEDULE D.

*Permit under Regulation 10.*

Permission is hereby granted to .....  
 .....  
 of .....  
 to export from the Transvaal the following game:—  
 .....  
 .....  
 .....  
 .....

This permit will be in force until the.....  
 .....190....

Dated this.....day of.....190....

.....  
 Assistant Colonial Secretary.

This Permit is not transferable.

## SCHEDULE E.

*Permit under Regulation 12.*

Permission is hereby granted to .....  
 .....  
 of .....  
 to export from the Transvaal the following:—  
 Horns .....  
 Tusks .....  
 Skins.....  
 Hides .....

This Permit will be in force until the.....  
 .....190....

Dated this.....day of.....190....

.....  
 This Permit is not transferable.

## SCHEDULE F.

(Amended by Government Notice No. 1341 of 1906.)

Wild Dog	..	..	..	..	£1	0	0
Silver Jackal	..	..	..	..	0	2	6
Red Jackal	..	..	..	..	0	5	0
Baboon	..	..	..	..	0	2	6

## SCHEDULE G.

I, .....  
 hereby declare that the following animals:—  
 .....  
 .....  
 .....  
 .....  
 have been destroyed by me within the official boundaries of the  
 ..... District, and that the skins  
 and tails (or heads) I have produced to the Resident Magistrate  
 actually belonged to such animals.

## SCHEDULE H.

## Permit under Regulation 32.

Permission is hereby granted to .....  
 .....  
 of .....  
 to capture ..... young ostriches and take  
 ..... ostrich eggs on the Crown  
 Land known as .....  
 in the Magisterial District of .....

This Permit will be in force until .....  
 ..... 190.....

Dated this.....day of.....190.....

.....  
 Commissioner of Lands.

This Permit is not transferable.

## SCHEDULE I.

*Permit under Regulation 38.*

Permission is hereby granted to .....

.....

of .....

to hunt with .....

.....

the following game :— .....

.....

.....

on the land known as .....

in the Magisterial District of .....

This Permit will be in force until the.....

.....190....

Dated this.....day of.....190....

.....

Assistant Colonial Secretary.

This Permit is not transferable.

## SCHEDULE J.

A "Game license" for the period of an open season or any portion of such season exceeding one month .. .. .	£1 10 0
A "Game license" for one month of an open season .. .. .	£0 15 0
A "Big Game license" .. .. .	£25 0 0
A "Sale license" for each calendar year .. .. .	£3 0 0
A Permit under Regulation 38 .. .. .	Free
A Permit under Regulation 32 .. .. .	£3 0 0
A Permit under Regulation 12 .. .. .	Free
A Permit under Regulation 10 .. .. .	Free
A Permit under Regulation 7 .. .. .	Free
A Permit under Regulation 5 .. .. .	Free
A Permit under Regulation 2 .. .. .	£3 0 0

## SCHEDULE K.

*Game License.*

Subject to the conditions hereinafter mentioned, permission is hereby granted to .....  
 .....  
 of .....  
 to hunt game as defined in Part I. of the Schedule of the Game Preservation Ordinance, 1905.

This License will be in force from the .....  
 ..... to the ..... and is  
 subject during its continuance to the conditions endorsed on the  
 back hereof.

Granted this ..... day of ..... 190....

.....  
 Receiver of Revenue.

.....  
 District.

NOTE.—If the licensee desires to shoot game on Crown Land, he must secure, in addition to this License, a permit in writing from the Commissioner of Lands or a person appointed by such Commissioner to exercise the powers conferred on him under this Ordinance. In the absence of such permit the licensee will be liable to prosecution under Section 11 of the Ordinance.

[P.T.O.]

## SCHEDULE L.

*Big Game License.*

Subject to the conditions and within the limits hereinafter mentioned, permission is hereby granted to .....  
 .....  
 of .....  
 to hunt of the animals or birds mentioned in Part II. of the Schedule of the Game Preservation Ordinance, 1905, the following:—  
 .....  
 .....  
 .....  
 within the area .....  
 .....

This License shall expire on the .....  
 190...., and during its continuance is subject to the conditions endorsed on the back hereof.

Given under my hand this ..... day of .....  
 190....

.....  
 Assistant Colonial Secretary.

[P.T.O.]

## SCHEDULE M.

*Sale License.*

Subject to the conditions hereinafter mentioned, permission  
to sell or deal in game at .....  
.....  
in the Magisterial District of .....  
is hereby granted to .....  
.....  
of .....  
he having lodged with me a Certificate from the Resident Magis-  
trate of the District of .....  
that he is a fit and proper person to sell game.

This License will expire on the 31st December next, and is  
subject during its continuance to the conditions endorsed on the  
back hereof.

.....  
Receiver of Revenue.

.....  
District.

[P.T.O.]











## **Health.**

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Under the Contagious Diseases Law No. 12 of 1895, certain duties are imposed upon Native Commissioners and Sub-Commissioners in connection with the outbreak of infectious diseases.

Health Regulations for Coloured Labourers in Compounds under Ordinance No. 32, 1905, were published by Government Notice No. 569, 1906 (*vide* page 21).

Regulations for the Compulsory Vaccination of Natives in Labour Districts were issued under Proclamation No. 23 of 1901.

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### LAW No. 12, 1895.

5. When smallpox breaks out in any ward or diggings within the limits of the State, the Fieldcornet or Assistant Fieldcornet of the ward, or the Commissioner of Natives, shall take such provisional steps as are required, for the account of the Committee of Health concerned, to prevent the further spread of the disease, and he shall immediately on its having come to his notice, report the same to the Landdrost of the district, or the Mining Commissioner of the diggings, who shall, without delay, act as provided in Art. 4.

Smallpox.

15. The Commissioners of Natives and the Fieldcornets or the Assistant Fieldcornets, shall see and take precautions that no communication or traffic takes place between the inhabitants of Kaffir kraals where the disease has broken out or prevails, and others, until the Commissioner of Natives, the Fieldcornet or Assistant Fieldcornet of the ward has taken the necessary measures with regard thereto, and these measures he is bound to take and to bring into operation without any delay for account of the Committee of Health concerned.

No traffic between inhabitants of infected Kaffir kraals and others.

23. The half of the expenses which have been incurred by the said Committee of Health, exclusively for the purpose and carrying out of this law as further described in Art. 4, 5, 8, 10, 13, 14, 15, 17, 21, and 22, shall be paid by the Government. The other half of these expenses shall be covered by an extraordinary poll tax.

Who pays the expenses of the Committee.

For this end and also exclusively for this purpose the said Committees of Health are authorised to raise within their jurisdiction an extraordinary tax not exceeding ten shillings per annum, to be paid by the male inhabitants, both white and coloured, above the age of 18 years, the age of coloured persons to be roughly estimated.

Extraordinary poll tax

Manner of  
collection.

For the collection of this tax the same regulations shall hold as those enacted for the collection of the direct taxes, with this proviso, that the period of payment is fixed by the Committee of Health, but not however for a shorter period than for three months after the amount of the tax to be raised has been made known.

Syphilitic  
patients must  
have them-  
selves treated.

36. (a) Every person living or residing in this State shall, if infected with one of the contagious forms of this disease, have himself treated and healed by a doctor.

Notice of the  
existence of  
the disease  
among  
coloured  
persons.

(b) As soon as the disease appears in any place among coloured persons the owner or inhabitant of the place or farm shall immediately give notice of the same to the nearest Landdrost, Mining Commissioner, Resident Justice of the Peace, Fieldcornet, Assistant Fieldcornet, or Commissioner of Natives, who shall be obliged to act according to law.

Notice of the  
disease among  
coloured  
persons.

In all kraals where Captains or Under-Captains exist, they also shall immediately report to the nearest official as soon as the disease breaks out in their kraal, or as soon as it is suspected that anyone is infected with the disease. Where no Captain or Under-Captain exists, the Fieldcornet, Assistant Fieldcornet, or Commissioner of Natives shall have the right to appoint one of them as foreman who shall be responsible.

Monthly  
examination  
of the loca-  
tions by Dis-  
trict Surgeon.

(c) The Landdrost of each district and the Mining Commissioner of each diggings shall have the locations of coloured persons in towns or stand-townships examined by the District Surgeon at least once a month, and, as often as the Government deem necessary, the locations or places where Kaffirs congregate in each district or on every diggings.

(i) The moneys necessary to cope with syphilis among natives shall only be claimed from natives. The regulation of the same is left to the President in consultation with the Superintendent of Native Affairs.

Jurisdiction.

38. The Courts of . . . the Commissioners of Natives in the case of coloured persons have jurisdiction in any prosecution for the contravention of the provisions of this law, or any proclamation, order, or regulation made and enacted under this law, such contravention to be prosecuted by the Public Prosecutor of the Government.

Penalties.

39. Any contravention of any provision of this law, or any of the provisions of the regulations mentioned in this law for which no definite fine or punishment has been enacted, shall be punished by a fine not exceeding £10 sterling or, in case of non-payment, with imprisonment for a period not exceeding three months.

## VACCINATION IN LABOUR DISTRICTS.

### PROCLAMATION No. 23, 1901.

Whereas it is desirable to provide for the vaccination of all natives employed in the areas heretofore under the jurisdiction of the Mining Commissioners at Johannesburg, Boksburg and Krugersdorp, and hereinafter referred to as the labour districts of Johannesburg, Boksburg and Krugersdorp, respectively :

Now, therefore, by virtue of the authority in me vested, I do hereby declare, proclaim, and make known as follows :

1. It shall be lawful for the Administrator of this Colony to make rules and regulations for the issue of district and monthly passes to natives employed in the labour districts of Johannesburg, Boksburg and Krugersdorp in addition to those in force under Law No. 23 of 1899 for the purpose of securing the vaccination of such natives and to provide penalties for the contravention of any such regulations.
2. The said regulations shall, on publication in the *Gazette*, have the force of law.
3. The said regulations\* may at any time, by notice in the *Gazette*, be extended by the Administrator to any other labour districts in this Colony.

### REGULATIONS FOR THE COMPULSORY VACCINATION OF NATIVES IN LABOUR DISTRICTS.

The following regulations, approved of by the Administrator under Proclamation Transvaal No. 23, will be brought into force from and after the 2nd September, 1901, in the labour districts of Johannesburg, Boksburg and Krugersdorp :—

1. The term "Native," within the meaning of these regulations, shall be deemed to include all persons compelled by Law No. 23 of 1899, the "Native Pass Law on Gold Fields," to carry passes.
2. Every mining company shall submit for approval to the Medical Officer of Health, Pretoria, the name of the medical practitioner to be authorised by it to endorse certificates of vaccination on the district passes of natives employed on its mines.
3. From and after 2nd September next the authorised and approved medical officers of every company employing natives within any of the aforesaid labour districts shall make an examination of every native in the service of such company, for the purpose of ascertaining whether such native has been vaccinated.

\* These Regulations were extended by Government Notice 61, 1902, to the Labour District of Klerksdorp, by Government Notice 41, 1902, to the Labour District of Rooiemoort, and by Government Notice 475, 1904, to the Labour Districts of Heidelberg, Vereeniging, Meyerton, Witbank and Van der Merwe.

4. In every case in which such medical officer as aforesaid shall be satisfied that a native has been successfully vaccinated within a period of five years previous to such date, he shall make an endorsement on his district pass to that effect.

5. Where, in the opinion of such medical officer, a native has not been successfully vaccinated within the last five years, it shall be his duty to vaccinate such native, and to endorse upon the district pass the fact of his having done so, at the same time specifying the date of the operation.

6. In order to ensure the vaccination of natives on their first arrival within any of the labour districts aforesaid, medical officers will be appointed by the Administrator of the Transvaal to attend at the Pass Offices in the said districts for the purpose of vaccinating natives applying for district passes.

7. The medical officers aforesaid shall, from and after the 2nd September next, examine every native applying for a district pass, and shall vaccinate any such applicant who, in their opinion, has not been successfully vaccinated within a period of five years immediately preceding the date of application, before a district pass is issued to such applicant.

8. Every such medical officer shall endorse with his signature the district pass of every native, whether such native may have been vaccinated by him or elsewhere during the preceding five years; and such endorsement shall be taken to mean that such native has either been vaccinated by such officer, or that in his opinion he had been successfully vaccinated during the preceding five years.

9. No monthly pass shall be issued to a native whose district pass does not bear an endorsement of vaccination by one of the medical officers appointed under these regulations.

10. The authorised and approved medical officers at the various mines shall examine all natives engaged thereat after the 2nd September next; but not before the eighth day after their arrival at the mines, for the purpose of ascertaining whether the vaccination performed by the medical officer at the Pass Office has been successful; they shall, in every case of unsuccessful vaccination, re-vaccinate not less than one month and not more than six weeks after the vaccination at the Pass Office, and shall endorse the fact on the district pass.

11. Where they may consider it necessary to do so, the medical officers shall, from time to time, re-vaccinate any natives employed on the various mines.

12. Any person wilfully contravening any of these regulations shall be liable, on conviction, to a fine not exceeding ten pounds, and in default of payment to imprisonment, with or without hard labour, for a period not exceeding one month.

13. Any medical officer making any endorsement on a district pass under the authority of these regulations which is false, to his knowledge, shall be liable, on conviction, to be imprisoned, with or without hard labour, for a period not exceeding six months.











### ***Immoveable Property.***

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The decision of the Supreme Court in the application *ex parte* Tsewu (1905 ; T.S. 130) established the right of natives to acquire and take transfer of immoveable property in this Colony. It had previously been held that no native could hold land in his own name, but that, when acquired, the title would necessarily vest in the Commissioner for Native Affairs in trust for the actual owner. This view was based upon the practice of the late Government, and largely rested upon the terms of Volksraad Resolution, Article 159, of the 15th June, 1855 (repealed by Proclamation No. 34, 1901) ; and Articles 13 of the Pretoria Convention, 1881, and 19 of the London Convention, 1884, which apparently are now without force or effect.

Numerous farms held in trust for the native owners by missionaries and irresponsible trustees have been transferred in trust to the Commissioner for Native Affairs, and, in view of the protection which results to the purchasers from this practice, natives are still encouraged to—and usually do—conform to it in their dealings relative to immoveable property.

Ordinance No. 28, 1905, providing for the compulsory registration of native properties in the name of the Commissioner for Native Affairs, was disallowed by the Imperial Government (Proclamation No. 37, Administration 1906).

As the law now stands, therefore, there are no restrictions upon the acquisition of immoveable property by natives in this Colony, with the following exceptions :—

- (a) No coloured person may acquire fixed property in stand townships, or on proclaimed fields or public diggings proclaimed under the Gold Law (*vide* Law No. 15, 1898) ; see Ebenezer Congregational Church *versus* Registrar of Mining Rights, 1905, T.H. 165, and Klippoortje Estates Co. *versus* the Government, 1905, T.S. 542.
- (b) The provisions of Law 15, 1898, apply to stand townships proclaimed under the Precious Stones Ordinance (*vide* Ordinance 66, 1903, section *seventy-two*).
- (c) Under the Proclamation of Townships Ordinance, No. 19, 1905, it is enacted (section *five*) that no registration shall be effected of the transfer or lease of any erven or lots exceeding in number fifteen in all into which any farm or portion of a farm has been divided for purposes of establishing a township thereon until proclamation of such township under the Ordinance. By Notice No. 29, 1906, it was intimated that, pending the enactment of legislation providing for coloured persons, no application for a township for such persons will be considered by the Townships Board.

- (d) The compulsory residence of natives in locations under various Municipal Statutes (pages 154-7) approximate to a restriction upon the acquisition of urban property.
  - (e) Similarly the provisions of the Squatters Law (pages 199) limiting the occupation of farms by natives might be regarded as a check upon the communal acquisition by natives of land.
  - (f) No occupation farm granted under Law No. 8, 1886, can be transferred to a native owner, according to the Supreme Court judgment of Mamabol *versus* Registrar of Deeds, 19th March, 1907.
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## **Labour Agents.**

The Labour Agents' and Compound Overseers Proclamation empowers the Governor to make Regulations for the licensing of persons who desire to act in either of these capacities.

The Compound Overseers Regulations will be found on page 16.

The Regulations for Labour Agents were published under Government Notice No. 1195 of 1903, and amended by Government Notice No. 1322 of 1906.

### PROCLAMATION No. 38 OF 1901.

Whereas it is expedient to regulate and control the procuring and engaging of natives to do work or labour within or beyond the borders of the Transvaal Colony :

Now therefore by virtue of the authority in me vested I do hereby declare, proclaim, and make known as follows :—

1. The Administrator of the Transvaal may from time to time make Regulations for the purpose of regulating and controlling the procuring and engaging of natives to do work or labour within or beyond the borders of the Transvaal; and of regulating the issue, suspension and cancellation of licenses to persons exercising or desiring to exercise the calling of labour agents and compound overseers, and the fees to be paid for such licenses.

Governor  
power to make  
Regulations.

Such Regulations shall, on publication in the *Gazette*, be of full force and effect.

2. The term "Labour Agent" shall mean and include any person who shall himself, or through agents or messengers, in his own name or otherwise \*procure or attempt to procure, seek for, engage, conduct, take charge of, supply or undertake to supply natives to be employed in work or labour of any kind within the Transvaal; provided that the term "Labour Agent" shall not include any person who procures or engages or conducts natives for his own *bona fide* domestic or personal service or business exclusively; provided that the total number of natives so employed by him does not exceed twenty at any one time.

Definition of  
terms.

The term "Native" in this Proclamation, and the Regulations made thereunder, shall include every person belonging to any of the aboriginal races or tribes of Africa south of the Equator, and every person one of whose parents belongs to any such race or tribe as aforesaid. The term "Compound Overseer" shall mean and include any person having the charge, management, or superintendence of *fifty* or more natives employed to work in any labour district. The term "Employer" shall, in

\* A person engaging native labourers for another without himself having any pecuniary interest in the transaction is not included in the definition "Labour Agent." *Vide* Gerandean *vs.* Rex. 1903. T.S. 458.



the case of a company, mean the Responsible Manager thereof, and, if there be no manager, then the person registered as responsible for the control, management, and direction thereof.

Penalty for  
contravening  
Regulations.

3. Any person contravening any of the Regulations made under this Proclamation shall be liable on conviction to the penalties provided by such Regulation, and if no penalty be provided then to a fine not exceeding ten pounds, or in default of payment to imprisonment with or without hard labour for a period not exceeding six months. Any such contravention wherever committed may be summarily dealt with by any officer empowered to deal with contraventions of this Proclamation within whose jurisdiction the person accused of such contravention may be; and such officer shall, on the conviction of any of such Regulations as aforesaid, make a report thereof to the Commissioner for Native\* Affairs.

Regulations in  
schedule to be  
of full force  
until revoked.

4. The Regulations in the Schedule annexed to this Proclamation shall be of full force and effect until revoked or amended, and there shall be paid on the licenses in the said Regulations mentioned the fees therein prescribed.

Title.

5. This Proclamation may be cited for all purposes as the "Labour Agents and Compound Overseers Proclamation 1901."

## REGULATIONS FOR LABOUR AGENTS PUBLISHED BY GOVERNMENT NOTICE No. 1195, 1903.

AMENDED BY GOVERNMENT NOTICE No. 1322, 1906.

1. It shall not be lawful for any person to act as a labour agent within the Transvaal unless he is in lawful possession of a license issued by the Commissioner for Native Affairs, or by any officer appointed by him thereto; provided always that a native runner employed by a licensed labour agent in the conduct of his business shall not be considered to have contravened this Regulation by reason merely that he has acted as such runner; provided that such native shall have been approved of by the Native Commissioner of the district in which he is employed and shall carry with him a permit from such Native Commissioner.

2. (1) Application for a license must be made on a printed form to the Commissioner for Native Affairs, or any officer appointed by him thereto, either direct or through the Native Commissioner of the district in which the applicant wishes to exercise his calling, or, in the case of any person wishing to act as a travelling conductor of natives, to the Native Commissioner, and if there be none, then to the Resident Magistrate of the district in which the journey is to begin.

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\* For Compound Overseers Regulations, see page 16.

(2) Every application for a license must be accompanied by a statement giving the following particulars :—

- (a) Copy of the agreement between the applicant and his employer.
- (b) The place or places where the natives to be engaged or conducted by him are to work.
- (c) The name and location of the native chief (if any) in whose district the applicant desires to engage labourers; the route which he desires to follow (if he is a conductor); and, in cases where the applicant proposes to receive and conduct natives recruited beyond the borders of the Transvaal, the name or names of the person or persons who hold licenses to recruit such natives.
- (d) Particulars of any previous license issued to the applicant, or refused, cancelled, or suspended, in any place in South Africa.

In addition to this statement, the applicant must at the time of making his application deposit with the officer to whom his application is made, and to the satisfaction of such officer, security to the amount of *one hundred* pounds for all charges and fines for which he may become liable.

Every such security shall endure and be effective during the currency of the license and for a period of six months after its expiration, or after the cancellation thereof under the provisions of these Regulations.

(3) The applicant shall fix a *domicilium citandi et executandi* within the Transvaal.

(4) Any person wilfully giving any false particulars in such statements as aforesaid shall be deemed to be guilty of perjury, and shall on conviction be liable to the penalties provided by law for the commission of that offence.

3. The application, when made through a Resident Native Commissioner or Resident Magistrate, shall, together with a confidential report by him thereon, be forwarded to the Commissioner for Native Affairs.

4. No license shall be granted until the aforementioned security has been deposited and the formal application and confidential report mentioned in the last preceding Regulation shall have been received.

5. The license, if granted, shall be sent to the applicant through the officer to whom the application was made.

6. The amount payable for such license shall be at the rate of fifteen pounds sterling for each year. Such license may be issued for any period not less than three months and not exceeding twelve months, and shall in no case extend beyond the 31st of December of the year in which it is issued.

7. Licenses which are taken out for more than one quarter may be assigned by endorsement, provided the security is renewed, and subject to the sanction of the Commissioner for Native Affairs or any officer appointed by him thereto.

8. The issue or renewal of a license may be refused by the Commissioner for Native Affairs without any reason being given therefor.

9. The granting of a license to any person shall not confer any right to its renewal.

10. (1) Any labour agent who has been convicted of any crime and imprisoned therefor by a Court of law, or who has been convicted of any contravention of this or any other law relating to native labour or native passes, or who has had his license cancelled or suspended in any other Colony or territory in South Africa, is liable to have his license cancelled or suspended by the Commissioner for Native Affairs or by any officer appointed by him thereto in this Colony, in addition to any other punishment to which he may have rendered himself liable.

(2) In case of such cancellation as above the security deposited by him under Regulation No. 2 shall be forfeited to the Government.

(3) Any labour agent who, in the opinion of the Commissioner for Native Affairs, or of any officer of the Native Affairs Department to whom the power to suspend or cancel licenses has been delegated by him, has been guilty of any misconduct which renders it undesirable that he should be allowed to continue to carry on the calling of a labour agent under the provision of this Proclamation is liable to have his license suspended or cancelled.

(4) Notice of such suspension or cancellation may be given to the labour agent by registered letter duly addressed to the *domicilium citandi et executandi* chosen by him; and after the expiration of seven days from the date of posting such notice the said license shall cease and determine.

11. (1) No license shall be issued to engage natives except for one or more specified employers, and the district or districts for which it is issued shall be clearly defined. All these particulars shall be embodied in the license.

(2) Any agent holding a license who desires to exercise the rights thereunder in any district other than that specified on his license shall, before doing so, on entering such other district for that purpose, immediately report himself to the Native Commissioner, and, if there be none, then to the Resident Magistrate thereof, who may grant him permission to exercise such rights as aforesaid in such district. Such permission, if granted, shall be endorsed upon the license.

\*12. No labour agent shall be entitled to exercise the rights granted to him under his license on any public road or thoroughfare, or within any labour district, or within the area of any municipality.

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\* Amended by Government Notice 1322, 1906.

13. No labour agent shall be granted the sole and exclusive privilege of exercising the rights granted by a license in any district or specified area.

\*No concession or contract by any native chief or headman binding himself or his people to provide native labour shall be valid; and any person inducing or attempting to induce any native chief or headman so to bind himself shall be liable on conviction to a fine not exceeding one hundred pounds, and in default of payment to imprisonment with or without hard labour for a period not exceeding six months, and shall further, if he hold a license as a labour agent, be liable to have such license cancelled.

14. Any person who shall by wilful misrepresentation of the terms or conditions of employment induce natives to leave this Colony, or to engage themselves for work or labour either within or beyond the borders thereof, shall be liable on conviction for every such offence to a penalty not exceeding one hundred pounds, or in default of payment to imprisonment with or without hard labour for a period not exceeding six months, and if he hold a license under this Proclamation he shall be liable to have the same cancelled.

15. Whoever shall (whether a labour agent or not) directly or indirectly, either by himself or by an agent, by offer of higher wages or other privileges, or by any other means, cause, induce, or persuade, or attempt to cause, or induce, or persuade, or aid or assist in causing, inducing, or persuading any native servant by words or any other means, to leave his employer's service in violation of any agreement of service, whether in writing or not, shall, on conviction thereof, be liable to a fine not exceeding fifty pounds, or to be imprisoned, with or without hard labour, for any term not exceeding six months, or to both such fine and such imprisonment, and if a labour agent he shall also be liable to have his license cancelled.

16. Whoever shall (whether a labour agent or not) conceal, employ, or retain, aid or abet in concealing, employing, or retaining any native servant or apprentice who shall have deserted from the service of any master, or otherwise absconded or absented himself from such service, shall, on conviction, be liable to pay a fine not exceeding fifty pounds, or in default of payment to be imprisoned with or without hard labour for any term not exceeding six months, and to cancellation of license.

17. If any license holder ceases to be employed by the person whose name appears upon his license, the license shall thereupon cease and determine, and the fees already paid thereon shall not be recoverable: The license shall thereupon be returned to the Commissioner for Native Affairs; provided that if the license holder enters into a new engagement which complies with the requirements of section two of these Regulations the Commissioner

\* A contract under which native labourers are bound by their chief or headmen without their own consent is against public policy as tending to produce a system of forced labour and will not be recognised. *Vide Eastwood vs. Shepstone*, 1902, T.S. 294.

for Native Affairs or any officer appointed by him thereto, may, without any additional fee, validate the same in respect of the unexpired portion thereof.

18. Every employer of a labour agent shall, within seven days after such agent has left his service, inform the Commissioner for Native Affairs thereof.

19. Lists shall from time to time be published in the *Gazette* of licenses issued to labour agents, as well as of licenses which have been suspended or which have been determined or been cancelled.

20. Every labour agent shall produce his license whenever requested to do so by any Justice of the Peace, Constable, Officer of the Law, Native Commissioner, Pass Officer, Railway Traffic Manager, or Station Master employed on any of the railways in the Transvaal.

21. These Regulations shall apply to any duly authorised officer or agent of the Government who in the exercise of his duties may be lawfully engaged in collecting or conducting labourers for the purpose of work or labour for or on behalf of the Government; provided that it shall be competent in the case of such authorised officer or agent to dispense with the charge payable on licenses under Regulation No. 6.

22. Any person exercising the calling of a labour agent without being provided with a license for that purpose, or exercising the calling of a labour agent in any place or in any manner other than that specified in his license, shall for every such offence, be liable on conviction to a fine not exceeding one hundred pounds or to imprisonment, with or without hard labour, for any period not exceeding six months, or to both such fine and such imprisonment.

Such person shall have no claim on the natives thus irregularly recruited either as regards their services or repayment of any expenses and such natives shall be at liberty to engage themselves to whomsoever they please.

23. Any person who shall fail or refuse forthwith to give or deliver up any license which has been suspended or cancelled as well as all permits for runners or messengers still in force that may have been issued at the request of the holder of such suspended or cancelled license shall be liable to a penalty not exceeding fifty pounds or, in default of payment, to imprisonment for any period not exceeding six months.

24. Any person who employs or causes to be employed as labour agent any person not in possession of a license or any licensed labour agent who is not registered as in his *bona fide* service shall for every such offence be liable, on conviction, to a fine not exceeding five hundred pounds or, in default of payment, to imprisonment with or without hard labour for any period not exceeding six months.











## **Liquor.**

The Liquor Licensing Ordinance No. 32 of 1902 prohibits the supply of intoxicating liquor to coloured persons or the employment of coloured persons to sell or dispose of liquor.

The absolute prohibition is qualified by exceptions with regard to the supply or possession of Kaffir beer in certain cases.

The Location Regulations also contains stringent provisions with regard to the possession of liquor by Natives.

### ORDINANCE No. 32, 1902.

3. "Intoxicating Liquor" or "Liquor" means any spirit wine ale beer porter cider perry hop beer Kaffir beer and any liquor containing more than 2 per cent. of alcohol and any other liquor which the Lieutenant-Governor may from time to time declare by Proclamation in the *Gazette* to be included in this definition.\*

46. No person shall sell barter give or otherwise supply to any coloured person any intoxicating liquor; provided always that liquor may be supplied to a coloured person for medicinal purposes or sacramental use and in such case the burden of proof shall be upon the person who supplied it to show that the liquor was required for such purpose.

Coloured persons not to be supplied.

48. No coloured person shall obtain by purchase or barter or be in possession of any intoxicating liquor.

Coloured persons not to obtain liquor.

Any coloured person contravening the provisions of this section shall on conviction be liable to be imprisoned with or without hard labour for a period not exceeding three months.

Penalties.

49. (1) Notwithstanding anything in the previous sections contained to the contrary it shall be lawful for the Lieutenant-Governor to authorise by notice in the *Gazette* under the hand of the Attorney-General the brewing of Kaffir beer not containing more than three per cent. of alcohol on the premises of any person or company or corporation employing more than fifty coloured labourers and the supply gratis thereof for consumption on the premises only to *bona fide* employees being coloured persons of such person company or corporation on such conditions as the Lieutenant-Governor may from time to time determine.

Exceptions in respect of use of Kaffir beer.

\* Further beverages which have been included as intoxicating liquors are "Eau de Cologne," by Proclamation No. 80, 1903, "Isityimiyana" or "Skokian," by Proclamation No. 19, 1906, and "Iquali" or "Khali," by Proclamation No. 60, 1906.

(2) Nothing in the previous sections contained shall prohibit the use gift or possession of Kaffir beer not containing more than three per centum of alcohol by coloured persons in any native location or village distant more than twelve miles from the nearest town municipality or public digging.

Regulations relative to the supply of Kaffir beer to coloured labourers were published by Government Notice No. 710 of 1902.

These Regulations are as follows :—

CONDITIONS UNDER WHICH KAFFIR BEER MAY BE BREWED BY  
EMPLOYERS OF MORE THAN FIFTY COLOURED LABOURERS.

1. Any person or company or corporation employing more than fifty coloured labourers and desiring to obtain permission to brew Kaffir beer and to supply the same gratis to such coloured labourers for consumption on the premises must send in a written application for that purpose to the Attorney-General mentioning the number of coloured labourers employed. If the granting of permission be authorised by the Lieutenant-Governor, a notice will be published in the *Gazette* by the Attorney-General notifying the granting of permission to such person, company, or corporation.

2. The employer, after obtaining such permission, shall communicate to the Secretary for Native Affairs particulars as to the premises where the Kaffir beer is to be brewed and the number of coloured labourers employed, and any Inspector of the Native Affairs Department or any Liquor Traffic Inspector shall have access to such premises at all times for the purpose of inspection and of testing the Kaffir beer supplied.

3. The Kaffir beer must be brewed on the premises of the employer, and must not contain more than three per cent. of alcohol. It must be issued gratis in the form of rations to the coloured labourers who are *bona fide* in the employ of such employer for consumption on the premises only.

4. In the event of any of these conditions being disregarded or of abuse of the privileges granted the permission to brew Kaffir beer may be withdrawn by the Lieutenant-Governor.









## **Locations.**

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There is no definition in any law of the term "Location," but under this name are included the lands which have been assigned by the Government from time to time as native reserves, the lands which have been purchased by the natives themselves for joint occupation, and the localities in urban areas which are specially reserved for the residence of natives. These latter are known as Municipal Locations, and can be considered separately.

\*Native locations proper are of two kinds in respect of the proprietary interest of the occupants, viz., land granted by the Government and land purchased by the natives, but recognised as locations by the Government. Reserves.

As early as 1853 the Volksraad empowered the Commandant-General and Commandants to grant land where necessary for occupation by the natives (Resolution Art. 124, 25 Nov., 1853; repealed by Procl. No. 34, 1901). These lands were to be occupied subject to the good behaviour and obedience of the residents, and they were not to be considered the property of the chiefs. By Article XIX. of the London Convention, 1884, a Native Location Commission was provided for, which should define locations for the occupation of the larger tribes. Government locations.

On the 19th August, 1905, a Native Locations Commission was appointed, with terms of reference, published under Government Notice No. 1065 of 1905, as follows :—

- (a) To make recommendations as to the boundaries, where undefined, of existing locations granted to native tribes ;
- (b) to investigate the claims to locations on the part of other tribes in respect of promises made to them by the late Government, and to report on the extent, and where such locations, if any, should be granted ;
- (c) to ascertain what, if any, other tribes claim locations within the meaning of the Conventions of 1881 and 1884, and to recommend where, and to what extent, such should be granted : and
- (d) to report on any questions arising out of these terms of reference.

This Commission has not yet reported.

It is prescribed by Letters Patent that no lands which have been, or may be, set aside for the occupation of natives shall be alienated without legislative sanction (*vide* page    ).

## **FENCING.**

Under the Fencing Ordinance No. 7 of 1904, the term "owner" in respect of any native location means the Commissioner for Native Affairs.

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\* For particulars see Native Affairs Department Land Report, 1904.



The special provisions of this Ordinance regarding locations provided for as follows :—

Recovery  
from natives  
money spent  
on fencing  
locations.

15. As often as the Commissioner for Native Affairs shall have paid any sum or incurred any expense under this Ordinance for and in respect of the fencing of any native location on Crown Lands the occupiers of huts in such location shall be jointly liable to contribute to the sum or expense so paid or incurred and the Lieutenant-Governor may by Proclamation direct whether such sums or expense shall be payable in one or more years and if in more years than one then in what instalments. In any year and on such dates as the Lieutenant-Governor shall appoint for such year the amount by such Proclamation fixed and determined shall be payable *pro rata* by the occupier or occupiers of every hut in such location and may be recovered in case of default as though the said amount were a tax due and payable under the provisions of the Natives Tax Ordinance 1902.

Further provisions for fencing locations were made under the Cattle Disease Ordinance No. 38 of 1904 :—

Payment of  
cost of fencing  
native  
locations.

17. Whenever the Commissioner of Lands shall have incurred any cost in respect of the fencing of a native location under this Ordinance the occupiers of huts in such location shall be liable to contribute *pro rata* to such cost as if such occupiers were owners of farms as mentioned in section *fourteen* save and except that the amounts due by way of yearly instalments and the interest thereon from each such occupier under this section may be recovered in the event of non-payment as if the same were a tax due and payable under the provisions of the Native Tax Ordinance 1902.

## PROSPECTING FOR MINERALS.

The laws relative to mining contain special provisions with regard to locations. Article 49 of the Gold Law No. 15, 1898, and section *four* (2) of the Precious Stones Ordinance No. 66, 1903, are given below. See also Volksraad Resolution, Art. 1323 of 1893 (page ) :—

### LAW 15, 18 8.

Prospecting  
on locations.

Who entitled  
to the  
preference.

Portion avail-  
able for  
prospecting  
by it what portion  
of the location has  
been rendered  
available  
for prospecting.

49. When a chief with his council desires that the land which has been pointed out to him by the Government for a dwelling-place with his people (location), which he occupies with his people, should be prospected for precious metals, he may apply to the Government to cause such to be done by white persons. The persons proposed by the chief and his council shall in the first place be taken into consideration by the Government. Should the Government consider it desirable to authorise other persons to prospect, this may be done without reasons being given, those persons excepted whose farms were expropriated by the Government on behalf of the extension of the location, to whom the preference shall be given. The Government shall cause to be pointed out to the person or the persons authorised by it what portion of the location has been rendered available for prospecting.

Whenever it appears through prospecting that payable precious metals are found within such locations, the State President shall have the right, with the advice and consent of the Executive Council, to declare such land, either wholly or in part, public diggings, under the Regulations laid down in this Law for Government land, with this proviso, however :—

- (1) That the grazing rights shall be left to the chief and his people. Proclama  
of locatio  
as pubic  
diggings.
- (2) That their kraals and lands shall be excluded, and shall not be disturbed, except with their consent. Grazing  
rights.
- (3) That sufficient water shall be left for their households and for their cattle. Kraals an  
lands.
- (4) That a "mynpacht" under the terms of this Law may be granted to the person or persons authorised by the Government to prospect, when they give sufficient proof of the payableness of the ground, the size to be fixed in consultation with the Superintendent of Natives and with the Head of the Mining Department, but in no case greater than the maximum fixed for private land by Art. 25. paragraphs 2 and 3 of this Law, computed according to the number of morgen to be thrown open. Water.  
  
Mynpach
- (5) That compensation shall be given to the chiefs and their people who have obtained the locations gratis from the Government, computed at a fourth of the proceeds of the license and "mynpacht" monies. Extent of  
  
Compens  
to Chiefs.
- (6) That compensation, computed at a third of such proceeds, shall be granted to the chiefs and their people who have acquired the location land wholly or in part at their own expense. When on  
fourth.  
  
When  
one-third
- (7) The Government shall have the power to make such regulations regarding the portion of licenses and "mynpacht" monies to Moshette, and the Kaffir chiefs of equal standing with him, as it may deem fit. Compens  
to Moshe

#### ORDINANCE 66. 1903.

4. (2) Nothing contained in any prospecting license shall authorise the holder thereof to prospect on such places as the Lieutenant-Governor may from time to time by Notice in the *Gazette* exclude from prospecting or . . . in any native location without the consent of the Commissioner for Native Affairs. Preser-  
vation  
Ordinance

Under Proclamation No. 5. 1902, section two, the Governor is empowered to expropriate land for the construction and maintenance of native locations. Expropria-  
tion

By section twelve of the Crown Lands Disposal Ordinance No. 57. 1903, the Governor is authorised to reserve Crown Land for the use or benefit of aboriginal natives. Reserve.

On private and Government land proclaimed under the Gold Law, the Government retains the right of occupying such land as may be necessary for locations for coloured persons (Law 15. 1898, section fifty-three).

## LOCATIONS.—MUNICIPAL.

Johannes-  
burg.

The Location Regulations in force in the Municipality of Johannesburg were published under Government Notice No. 60 of 1904, and they have been amended by Government Notices Nos. 106, 1904; 471, 1906, and 777, 1906.

The Regulations as amended are as follows :—

## BYE-LAWS FOR NATIVE LOCATIONS.

1. The term “ Native ” as used in these Bye-laws shall mean any person both of whose parents belong to any aboriginal race or tribe of Africa.

The term “ Location ” as used in these Bye-laws shall mean an area set apart for the occupation of natives not living on the premises of their employers, and defined as such by a resolution of the Council.

The term “ Superintendent ” as used in these Bye-laws shall mean any officer or his authorised assistant who may be from time to time appointed by the Council to supervise or control any one or more locations.

\*1a. “ The term ‘ First Section ’ used in connection with any location shall mean any portion of such location from time to time defined and set aside by the Council under the title of the ‘ First Section ’ as a quarter to be reserved for building of a better class than those in the rest of the location.”

2. The Council may from time to time establish locations for natives either within or beyond the Municipality, and the Council may from time to time remove or abolish any of such locations.

3. From and after a date to be hereafter fixed by resolution of the Council, every native dwelling or remaining within the limits of the Municipality, with the exception of such natives as may reside on the premises of their European employers, shall be required to reside in a location, and after the said date every native hereby required to live in a location who shall be found residing elsewhere within the Municipality, shall be guilty of a breach of these Bye-laws.

4. Every location shall be laid out in allotments, hereinafter referred to as stands, with such streets and thoroughfares as the Council may approve.

5. The right to occupy and build upon any stand in any location shall be granted and held subject to the provisions of these Bye-laws; and all other Bye-laws of the Council for the time being in force shall apply to locations within the Municipality, save in as far as the same are herein varied.

6. The Superintendent may, subject to the approval of the Council, from time to time appoint, at such remuneration as shall be reasonable, a headman or headmen of any location, who shall reside within such location, and may remove such headman or headmen and appoint another or others.

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\* By Government Notice 471, 1906.

\*7. No person shall occupy a stand in any location unless either in possession of a then current stand permit in respect of such stand, signed by the Superintendent, or allowed by written permission of the Superintendent to occupy the same as a tenant of the holder of such stand permit.

Every such stand permit shall bear the date of issue, and may at any time be terminated—

- (a) By the holder giving the Council one month's notice in writing.
- (b) By the Council giving the holder three months' notice in writing, subject to the conditions contained in these Bye-laws.

8. A stand permit shall not be issued to any person unless he shall personally apply for the same to the Superintendent, and on making such application the applicant shall state correctly the names and occupations of those who are to reside on the stand, and shall also state whether or no he intends to take lodgers.

\*9. Every stand permit issued as aforesaid shall convey a right of occupation of the stand named therein only for the currency of such stand permit, and upon its expiration or termination any building or improvement upon such stand shall become the property of the Council, subject to the payment of compensation by the Council under section *ten* (in the event of notice of termination being given by it under section *seven*).

10. (i.) No compensation in respect of any building or improvement or otherwise shall be payable by the Council upon the termination by the holder of any stand permit.

(ii.) In the event of any stand permit being terminated by the Council (without the consent of the holder, by notice under Clause 7), the Council shall, upon the termination of the stand permit, pay the following sum by way of compensation to the holder for any buildings or improvements upon such stand :—

- (a) Where such stand is situate in any portion of the location, except the first section, a sum to be arrived at by taking the then market value of the material of which any building or improvement thereon is composed, plus an allowance of 60 per cent. of such value for the cost of erection and deducting such sum as, having regard to its condition, is required to be expended in order to put the same in good repair.
- (b) Where such stand is situate within the first section of the location, a sum equal to the then estimated cost of erecting a similar building or improvement in the location, allowance being made for any depreciation in the building or improvement taken over.

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\* By Government Notice 471, 1906.

And no building or improvement upon any such stand shall be removed or disposed of by the holder after the delivery of notice of termination by the Council under Clause 7 without the express permission in writing of the Council.

(iii.) No person shall have any right to compensation as above mentioned whose stand permit has been cancelled without notice under any provision of these Bye-laws, and in the event of such cancellation any buildings or other erections on such stand shall be absolutely forfeited to the Council.

(iv.) The Council may deduct any sum due to it by the holder of any stand permit in respect of rent, charges for water or other Municipal services, fines, or otherwise, from any sum payable by it to such holder in respect of buildings or improvements taken over or sold by the Council under these Bye-laws.

11. If the owner of a stand permit refuses to accept the Council's valuation of the buildings or other erections on his stand made for the purpose of determining his right to compensation as above mentioned, the matter shall be referred to the Resident Magistrate for the District, or to an arbitrator appointed by such Magistrate for the settlement of such disputes, and the decision of such Magistrate or arbitrator shall be final. The costs of the reference of any matter to a Magistrate or arbitrator under this provision shall be within the discretion of the Magistrate or arbitrator.

12. Repealed by Government Notice 471, 1906.

13. Each stand in a location shall have an area of not less than 600 square feet, and every holder of a stand permit shall, after the boundaries of his stand have been pointed out to him by the Superintendent, keep such boundaries clearly marked out in such manner as the Superintendent may from time to time direct.

14. No building, fence, or other structure shall be erected on any stand except by the holder of the stand permit, under a building permit first obtained from the Superintendent, and all buildings, fences, or other structures in any location not erected under a building permit, other than buildings already erected at the date when these Bye-laws come into force, may forthwith be sold, removed, or destroyed by the servants of the Council.

15. The Superintendent of every location shall be provided with plans showing the different classes of buildings which may be erected therein, and applicants for building permits may be required to adopt one of such plans, the number of which shall be specified on their building permit, and to build in accordance with such plan, subject to such modifications as may be approved by the Superintendent.

16. Every building permit shall specify the position on the stand which the building, fence, or other structure erected thereunder is to occupy, and a part of every stand, amounting to not less than one-third of the whole area thereof, shall be left as open space. Every hut or building used as a dwelling shall have walls not less than eight feet in height, and be of a cubic capacity of

not less than 1,200 cubic feet, and shall be provided, to the satisfaction of the Medical Officer of Health or the Superintendent acting under his instructions, with proper means of ventilation and light, in which shall be included windows to open of not less dimensions than one-tenth of the floor space, and one window or door on the side of the building opposite the front door.

17. Every building permit shall be endorsed by the Superintendent, with the maximum number of persons who may inhabit the building therein referred to, and any holder of a stand permit who shall allow more than the specified number of persons to reside in such building shall be guilty of a breach of these Bye laws.

18. No holder of a stand permit shall knowingly cause or suffer a greater number of persons than will admit of the provision of three hundred cubic feet of free air space for each person of an age exceeding twelve years, and of one hundred and fifty cubic feet of free air space for each person of an age not exceeding twelve years to occupy at any one time as a sleeping apartment any room or dwelling on his stand.

19. The Superintendent shall cause to be painted on each hut or building in the location the number thereof, or shall cause a board or plate bearing such number to be affixed thereto.

20. The Superintendent shall keep a register (which shall be called the Location Register) of all stands, huts, or other buildings in each location, together with the names and occupations of all persons holding stand permits or residing in any hut or building, and the number and description of all animals belonging to every such occupant. It shall be the duty of every person residing in a location to afford to the Superintendent thereof such information as he may require from time to time for the purpose of keeping such register, and any person who wilfully refuses to answer any question put to him by the Superintendent for this purpose or knowingly makes a false answer to such question shall be guilty of a breach of these Bye-laws.

21. Every holder of a stand permit shall, without being requested to do so, forthwith give notice to the Superintendent of the names and occupations of any person who may come to reside with him after the stand permit has been issued.

22. No person shall bring to or have or keep in any location any pigs; and no person shall keep therein any cattle, sheep, goat, or horse for a longer period than 12 hours, unless such cattle, sheep, goat, or horse be kept in a proper manner in a suitable stable, cow-shed, or building erected with the written permission of the Medical Officer of Health, or the Superintendent acting under his instructions, and shall have been duly registered in the books of the Superintendent.

22a. Any person who keeps a bicycle in any location, or allows a bicycle to remain on his premises therein, shall cause such bicycle to be registered in the books of the Superintendent within a period of twelve hours from the time when the same first comes into his possession or on to his premises.

\*23. Every holder of a stand permit in the location shall pay to the Council such sum by way of rent and such charges

\* By Government Notice 471, 1906.

for water, sanitary, and other Municipal service as may be fixed in a tariff to be framed by the Council, subject to the approval of the Lieutenant-Governor, and all such sums shall be paid monthly in advance not later than the seventh day of each month to the officer of the Council appointed to receive the same, provided always that the said tariff may from time to time be altered by the Council in so far as the charges for water and other municipal services are concerned.

24. The Council shall have a lien on any building or other erection on any stand for any rent or charges for water or sanitary fees due in respect of such stand, and, whenever the payment of rent or charges for water or sanitary service in respect of any stand is in arrear, the Council may, after one month's notice in writing to the holder of the stand permit of its intention to exercise this right, cancel the stand permit and sell by public auction any building or other erection on such stand. The proceeds of such sale shall be applied in the first instance to defray the cost of conducting the same and all sums due to the Council in respect of such stand, and the remainder, if any, shall be paid to the person who was the holder of the stand permit, to whom a full account of such proceeds shall be furnished, and no further or other compensation shall be payable to him in respect of such buildings.

25. No holder of a stand permit shall sub-let his stand or any portion thereof, or any building thereon, without the written permission of the Superintendent. In the event of the Superintendent granting permission to the holder of a stand permit to sub-let the whole of his stand, the tenant to whom the stand is let shall during the period for which such permission is granted be required to perform all duties imposed by these Bye-laws on the holder of a stand permit, and shall be liable to all penalties for non-performance of the same, or for breach of any of these Bye-laws, as if he were for the time being the holder of the stand permit for such stand, except that upon the commission by such tenant of an offence which if he were the holder of a stand permit would render such permit liable to cancellation without notice his tenancy shall be deemed to terminate forthwith, and he shall cease to occupy such stand. The holder of the stand permit shall not be liable to any penalty, nor shall his permit be subject to cancellation by reason of any act or default of his tenant during the period for which his stand is let under such written permission as aforesaid, but the Council's lien on the buildings or other erections on any stand for any rent or sanitary fees due in respect of such stand while so let shall nevertheless be retained.

26. In the event of any holder of a stand permit desiring to relinquish his stand before the date of expiration of such stand permit, and desiring to arrange with some other person to occupy such stand, he shall bring such person to the Superintendent, who, on being satisfied that the proposed person is a fit and proper person to reside in the location, may cancel the original permit for the remainder of the term for which it was granted, provided that all the amounts due to the Council in respect of the stand have been duly paid, and may grant a fresh permit for such remaining period to the proposed person, on payment of a transfer fee of 2s. 6d.

27. Any holder of a stand permit who leaves his stand and suffers other persons to reside thereon without the written permission of the Superintendent thereto first had and obtained, shall be liable to have his stand permit cancelled without notice, and all persons found residing on such stand without such permission as aforesaid may forthwith be removed.

\*28. Any stand which may have been left unoccupied for the space of six months without the sanction of the Superintendent shall be deemed to have been abandoned, and any stand permit granted in respect thereof may be cancelled without notice.

28a. The stand permit of any native who fails to erect a suitable building which complies with the requirements of the Bye-laws upon any stand in respect of which a stand permit is issued to him by the Council within a period of six months from the date of such issue, may be cancelled by the Council, and upon such cancellation no compensation shall be payable to the said holder; provided always that nothing in this clause shall be deemed to apply to any stand permit granted in respect of a stand upon which such a building already stands and is taken over by the holder of such stand permit.

29. Coloured persons of South African origin may, in the discretion of the Council, be allowed to reside in any location, provided that such persons shall be subject in all respects to the provisions of these Bye-laws. No person other than a native or coloured person of South African origin, who is not a duly authorised servant of the Council, shall reside or trade in any location.

\*30. Any person desirous of becoming an inhabitant of a location without erecting any hut or building may, on satisfying the Superintendent that he or she intends to follow some lawful occupation, and in case of a male native holds a labour passport, letter of exemption, or certificate of registration, receive from the Superintendent a twelve hours' permit for the purpose of finding some holder of a stand permit with whom he or she can reside or of finding quarters in the Municipal Barracks, and if at the expiration of the said twelve hours such person does not satisfy the Superintendent that such residence has been found, he or she shall not be permitted to remain in the location, unless the Superintendent shall renew the said permit.

31. No person above the age of 14 years other than the holder of a stand permit shall be permitted to reside in any location, unless and until he or she has received from the Superintendent a permit to do so, which shall be called a "Location Permit," and shall set forth the name of the person and the registered number of the stand on which such person shall reside, which permit shall be available for one month from date of issue thereof, and may thereafter, at the option of the Superintendent, be renewed from month to month, provided that the Superintendent is satisfied that the holder thereof is following a lawful calling, and in case of a male native, holds a labour passport, letter of exemption, or certificate of registration.

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\* By Government Notice 471, 1906.



\*32. Any person found within any location may be required by the Superintendent to satisfy him that he is lawfully residing in such location or has a permit entitling him to remain therein, and any person failing to satisfy the Superintendent as aforesaid may be ordered by the Superintendent to leave the location forthwith, and any person failing to leave a location when so ordered, or returning to a location without permission from the Superintendent, shall be guilty of a breach of these Bye-laws.

\* 33. No person who is not lawfully residing in a location may remain therein for a period of more than six hours in any day without obtaining written permission from the Superintendent.

34. Every holder of a stand permit shall keep his stand clean and free from weeds, refuse, and filth of every kind, and shall keep all buildings thereon clean and in good order and repair, and shall, unless exempted from this provision, white-wash all such buildings inside and outside in the months of January and July in each year, and at all such other times as the Medical Officer of Health, or the Superintendent acting under his instructions, shall require.

35. Every holder of a stand permit shall, if and when required by the Medical Officer of Health, or the Superintendent acting under his instructions, erect on his stand a suitable privy or closet, and shall keep the same clean and in good order and repair.

36. The Council may erect latrines and urinals at suitable places in any location, and allot the same to the use of residents on particular stands, and the registered holders of stand permits in respect of those particular stands shall jointly and severally at all times be responsible that the latrines and urinals allotted to the use of residents thereon are kept clean and in good order.

37. The Superintendent shall appoint from time to time, in each location, a place or places for the deposit of rubbish, and also for the deposit of liquid refuse, and no person shall deposit any rubbish or any liquid refuse in any location except in places so appointed.

38. Every holder of a stand permit shall, if required, provide a suitable box or receptacle in which he shall place or cause to be placed all rubbish found on his stand ready for removal by the Municipal carts on the days appointed for collection of such rubbish.

39. No person shall bring, or knowingly suffer to be brought, within any location, and no person shall, while within any location, have in his possession or control (except, in the case of a servant of the Council, for the purpose of immediate removal or destruction), or knowingly suffer to remain on his premises, any Kaffir beer or intoxicating liquor of any kind, and if any holder of a stand permit or other resident in a location shall be convicted of an offence against this Bye-law, the offender may, in addition to any other penalty, be immediately expelled from the location, and, in the case of the holder of a stand permit, his stand permit may be cancelled without notice. Any person who has been expelled from a location under this Bye-law shall not reside in any location during a period of six months after

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\* By Government Notice 777, 1906.

such conviction, or if he shall for such offence have been sentenced to imprisonment, during a period of six months after the expiry of such sentence, and shall not during such period return to or visit any location for any purpose without immediately reporting himself to the Superintendent, and obtaining from him a written permission to visit such location.

40. No person shall sink any well or make any excavation of any kind in any location without the permission in writing of the Medical Officer of Health, or the Superintendent acting under his instructions, and in giving any such permission the Medical Officer of Health may attach such conditions thereto as he may deem fit.

41. Whenever a birth or death occurs on any stand in a location the holder of the stand permit in respect of such stand, or, in case of his death or incapacity, the eldest adult resident on the stand, shall immediately report the same to the Superintendent.

42. In the event of any person in a location suffering from any infectious disease, the holder of the stand permit in respect to the stand on which such person resides or is found, or, in case of his death or incapacity, the eldest adult resident on the stand, shall immediately report the same to the Superintendent.

43. In the event of any animal in any location suffering from or dying of glanders, lung-sickness, rinderpest, or any infectious disease to which "The Diseases of Stock Ordinance, 1902," or any similar law for the time being in force applies, or may hereafter be applied, the owner of such animal, or failing him the holder of the stand permit in respect of the stand on which such animal is kept or may be found, shall immediately report the case to the Superintendent.

44. No shop or trading station shall be allowed within any location except with the approval and during the pleasure of the Council, but the Council may from time to time set apart sites in any location to be used for trading purposes, and may let such sites either on lease or otherwise to such persons for such period and on such terms and conditions as to it shall seem fit, and may in its discretion exempt such sites from any or all of the provisions of these Bye-laws as to stands and stand permits.

\*44a. No person shall carry on any store, shop, or Kaffir eating-house without obtaining a permit or license from the Council which may from time to time fix such fee as it may think fit for such permit, subject to the approval of the Lieutenant-Governor. The fee from time to time in force will be found in the Tariff appended to these Bye-laws.

45. The Council may allot sites in any location to any recognised religious societies for Church and School purposes, or to any employer of natives for the purpose of a compound in which such natives may be housed, on such conditions and with such powers of resumption as the Council may think fit, and may in its discretion exempt such sites from any or all of the provisions of these Bye-laws relating to stands or stand permits.

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\* By Government Notice 471, 1906.

46. The Council may reserve certain stands in any location and erect thereon suitable rooms of not less than 1,600 cubic feet in measurement with latrine and kitchen accommodation, for the purpose of lodging such natives who cannot afford or do not desire to erect houses, and for the accommodation of travelling natives. Natives desiring accommodation therein shall apply to the Superintendent, and the Superintendent may allot each applicant not less than one-fourth of a room, the charges for which shall be payable in advance according to a tariff to be framed by the Council. The Superintendent shall have the right to refuse accommodation to any native he may deem undesirable, and any native found occupying any room or portion thereof without permission from the Superintendent, shown by a receipt for his rent, shall be guilty of a breach of these Bye-laws.

47. The Superintendent, or any servant of the Council authorised by him, or any Police Officer, shall at all times have access to all stands and huts and buildings and every part thereof within the location, for the purposes of inspection, and no person shall at any time obstruct him or them in such inspection, or refuse or interfere with such access as aforesaid.

48. The Medical Officer of Health and his authorised assistants may at all times enter upon any stand or building in any location and examine all natives thereon or therein, and any native resident in any location who shall appear to the Medical Officer of Health to be suffering from or to have been exposed to the infection of any infectious disease may, by order of the Medical Officer of Health, be removed to such place either within or beyond such location as the Council may appoint for receiving such natives, and may by a like order be therein detained until such time as in the opinion of the Medical Officer of Health he shall be free from such infection.

49. No person residing in any location, other than servants of the Council or Police Officers, shall be in the streets, public places, or thoroughfares of such location between the hours of 10 p.m. and 4 a.m., unless in possession of a written permission from the Superintendent, or from his employer, which he shall produce, if and when required.

50. The Superintendent may prohibit any game or entertainment in any location which causes or is from its character likely to cause nuisance or annoyance to the residents in such location, or to persons in the neighbourhood, and the holder of the stand permit in respect of any stand on which such game or entertainment takes place or continues after such prohibition, as well as all persons taking part therein, shall be guilty of a breach of these Bye-laws.

51. Any person who wilfully or negligently damages or destroys any building or erection, or any pipe, refuse receptacle, or other fitting or appliance in any location which is the property of the Municipality, or defaces any Municipal notice affixed therein, shall be guilty of a breach of these Bye-laws.

52. Where any notice is required under these Bye-laws to be given to the holder of a stand permit, it shall be sufficient if such notice is affixed in a conspicuous position on some part of the stand to which it refers.

53. Any person convicted of a breach of these Bye-laws shall be liable to a penalty not exceeding ten pounds, or, in default of payment, to imprisonment with or without hard labour for a period not exceeding three months.

54. The Regulations for Native Locations of the Sanitary Committee of Johannesburg, published by Government Notice dated May 10th, 1895, in as far only as such Regulations relate to Locations for Natives, are hereby repealed.

55. Notwithstanding anything herein contained, the Council may, pending the re-arrangement of the existing location, issue monthly stand permits, which shall give to the holders thereof the right to occupy the stands therein named as monthly tenants. The holder of a monthly stand permit shall pay for his stand a rent of 7s. 6d. per month, and shall be subject to the same obligations as the holder of a stand permit issued under these Bye-laws, but shall not be entitled on the termination of his tenancy to any compensation for the buildings on his stand; provided, however, that if prior to such termination he shall apply for and obtain a stand permit in respect of another stand, the Council shall in its discretion either undertake at its own cost the removal of any buildings erected on his stand or belonging to him and their re-erection on the new stand allotted to him instead thereof, or pay to him a reasonable sum as compensation for the expenses incurred by him in such removal and re-erection, and in the event of any dispute as to the amount payable hereunder the same shall be decided in the manner provided under Clause 11 of these Bye-laws.

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## CHAPTER II.

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### *\*Vehicles and Cycles.*

1. No native shall use or cause or allow to be used any cycle belonging to him or of which, with the consent of the owner, he has the general disposition or control, within the limits of the Council's farm at Klipspruit, unless he shall be in possession of a current cycle permit and metal plate for the use of the same, obtained from the Council.

The fee for a cycle permit shall be 2s. 6d.

Provided always that any native who is in lawful possession of an ordinary cycle license and metal plate for the current year may obtain such a cycle permit for the unexpired portion of the current year upon production of such license and plate to the Superintendent of Locations free of charge.

No native in possession of a current cycle permit and mark under this Bye-law will be required to possess an ordinary cycle license whether within or without the Municipal area.

2. Cycle permits shall be in such form as the Council may determine, and will be issued by the Superintendent of Locations.

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\* By Government Notice 471, 1906.

3. No cycle permit will be granted for a longer period than one year, and every cycle permit issued shall expire on the next succeeding 31st day of December.

4. Every native holding a cycle permit shall, while riding a cycle within the Municipal area, carry on such cycle in a conspicuous position in such a manner as the Council shall decide a numbered mark which will be issued to him together with his permit.

5. No native shall sell, exchange, or part with a mark issued to him as aforesaid, and no native shall carry any such mark unless the same has been issued to him for his own use by the Superintendent of Locations.

6. Every native shall, on the expiration of the period for which his permit is issued, return his mark to the Superintendent of Locations. Any native who loses a mark issued to him as aforesaid may, upon production of his current cycle permit, obtain another mark upon payment of the sum of 2s. 6d.

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### CHAPTER III.

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#### *\*Dangerous Weapons and Disturbances.*

1. No native shall carry or have in his possession any weapon capable of inflicting bodily injury, except with the written permission of the Superintendent.

2. No person shall disturb the public peace by making noises, or by shouting, roaring, wrangling, quarrelling, collecting a crowd, or by any riotous, violent, or unseemly behaviour by day or night, in any public or private building or premises, or in any street or open space.

3. No person shall sit or lie on any street in the location, nor shall any person stand, congregate, loiter, or walk in such a manner as to obstruct traffic, or to jostle or otherwise annoy any person using such street.

4. No person shall, in or near any street, in any way loiter, or solicit, or importune any other person for the purposes of prostitution or mendicancy.

#### PRETORIA AND OTHER MUNICIPALITIES.

The Native Location Regulations, as given below, have been applied to the following municipalities :—

Pretoria, by Government Notice No. 884, 1904 ; Boksburg, Barberton, Germiston, Heidelberg, Krugersdorp, Klerksdorp, Middelburg, Pietersburg, Potchefstroom, and Standerton, by Government Notice No. 743, 1904 ; Amersfoort, Amsterdam, Bethal, Belfast, Carolina, Christiana, Ermelo, Lichtenburg, Lydenburg, Machadodorp, Nylstroom, Piet Retief, Potgietersrust, Roodepoort-Maraisburg, Rustenburg, Schweizer Reneke, Springs, Ventersdorp, Vereeniging, Volksrust, Wakkerstroom, Wolmaransstad, and Zeerust, by Government Notice No. 758, 1904.

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\* By Government Notice 471, 1906.

# REGULATIONS FOR THE ADMINISTRATION OF NATIVE LOCATIONS.

1. The term "Native" as used in these Bye-laws shall mean any person both of whose parents belong to any aboriginal race or tribe of Africa. Definition.

The term "Location" as used in these Bye-laws shall mean an area set apart for the exclusive occupation of natives not living on the premises of their employers, and defined as such by a resolution of the Council.

The term "Medical Officer of Health" shall mean the Sanitary Inspector if there be no Medical Officer of Health.

The term "Superintendent" as used in these Bye-laws shall mean any officer or his authorised assistant who may be from time to time appointed by the Council to supervise or control any one or more locations.

2. The Council may from time to time establish locations for natives either within or beyond the jurisdiction of the Council, and may from time to time remove or abolish any of such locations. Establishments of locations.

3. From and after a date to be hereafter fixed by resolution of the Council, every native dwelling or remaining within the limits of the jurisdiction of the Council, with the exception of such natives as may reside on the premises of their European employers, shall be required to reside in a location, and after the said date every native hereby required to live in a location, who shall be found residing elsewhere within the jurisdiction of the Council, shall be guilty of a breach of these Bye-laws. Natives to reside in locations.

4. Every location shall be laid out in allotments, hereinafter referred to as stands, with such streets and thoroughfares as the Council may approve. Laying out locations.

5. The right to occupy and build upon any stand in any location shall be granted and held subject to the provisions of these Bye-laws, and all other Bye-laws of the Council for the time being in force shall apply to locations within the jurisdiction of the Council, save in as far as the same are herein varied. Stands.

6. The Superintendent may, subject to the approval of the council from time to time, appoint, at such remuneration as shall be reasonable a headman or headmen of any location who shall reside within such location, and may remove such headman or headmen and appoint another or others. Headmen.

7. No person shall occupy a stand in any location unless either in possession of a then current stand permit in respect of such stand, signed by the Superintendent, or allowed by written permission of the Superintendent to occupy the same as a tenant of the holder of such stand permit. Every stand permit shall bear the date of issue, and shall terminate on the 31st day of December next following the date of issue, of issue, and may thereafter be renewed annually, subject to the right which is hereby given to the Council at any time to refuse any such renewal on giving to the holder of such stand permit one month's previous notice of intention to refuse the same. Stand permits

8. A stand permit shall not be issued to any person unless he shall personally apply for the same to the Superintendent, and on making such application the applicant shall state correctly Application for stand permits.

the names and occupations of those who are to reside on the stand, and shall also state whether or no he intends to take lodgers.

Right conveyed by stand permits.

9. Every stand permit issued as aforesaid shall convey a right of occupation of the stand named therein only for the period of currency of such stand permit, or of any renewal thereof, and upon the expiration of such period the stand shall be vacated, and all buildings or erections then remaining on such stand shall, unless removed within one month after notice of the intention of the Council to exercise this right, become the property of the Council, subject to such right of compensation to the holder of the stand permit as is hereinafter mentioned.

Compensation for buildings on vacated stands.

10. Where, upon the vacation of any stand, the buildings and erections remaining thereon, which become the property of the Council as aforesaid, are of the value of £25 or more, the council shall compensate the holder of the stand permit vacating the stand by paying to him the value of such buildings. For the purpose of this Bye-law, the value of the buildings or other erections on any stand shall be the market value at the time when the compensation is payable of the materials of which the same consist, plus an allowance of 30 per cent. on such value for the cost of erection, and less such sum as, having regard to their then condition, is required to be expended in order to put the same in good repair.

Compensation to be settled by arbitration.

11. If the owner of a stand permit refuses to accept the Council's valuation of the buildings or other erections on his stand made for the purpose of determining his right to compensation as abovementioned, the matter shall be referred to the Resident Magistrate for the district, or to an arbitrator appointed by such Magistrate for the settlement of such disputes, and the decision of such Magistrate or arbitrator shall be final. The costs of the reference of any matter to a Magistrate or arbitrator under this provision shall be within the discretion of the Magistrate or arbitrator.

No compensation where stand permit is cancelled without notice.

12. No person shall have any right to compensation as above mentioned whose stand permit has been cancelled without notice under any provision of these Bye-laws, and in the event of such cancellation, any buildings or other erections on such stand shall be absolutely forfeited to the Council.

Dimensions of stands and boundaries.

13. Each stand in a location shall have an area of not less than 600 square feet, and every holder of a stand permit shall, after the boundaries of his stand have been pointed out to him by the Superintendent, keep such boundaries clearly marked out in such manner as the Superintendent may from time to time direct.

Building permits.

14. No building, fence, or other structure shall be erected on any stand except by the holder of the stand permit, under a building permit first obtained from the Superintendent, and all buildings, fences, or other structures in any location not erected under a building permit, other than buildings already erected at the date when these Bye-laws come into force, may forthwith be sold, removed, or destroyed by the servants of the Council.

15. The Superintendent of every location shall be provided with plans showing the different classes of buildings which may be erected therein, and applicants for building permits may be required to adopt one of such plans, the number of which shall be specified on their building permit and to build in accordance with such plan subject to such modifications as may be approved by the Superintendent.

Holders of building permit to build in accordance with specific plan.

16. Every building permit shall specify the position on the stand which the building, fence, or other structure erected thereunder is to occupy, and a part of every stand, amounting to not less than one-third of the whole area thereof shall be left as open space. Every hut or building used as a dwelling shall have walls not less than eight feet in height, and be of a cubic capacity of not less than 1,200 cubic feet, and shall be provided, to the satisfaction of the Medical Officer of Health or the Superintendent acting under his instructions, with proper means of ventilation and light, in which shall be included windows to open of not less dimensions than one-tenth of the floor space, and one window or door on the side of the building opposite the front door.

Position and character of buildings.

17. Every building permit shall be endorsed by the Superintendent, with the maximum number of persons who may inhabit the building therein referred to, and any holder of a stand permit who shall allow more than the specified number of persons to reside in such building shall be guilty of a breach of these Bye-laws.

Number of persons in or building.

18. No holder of a stand permit shall knowingly cause or suffer a greater number of persons than will admit of the provision of three hundred cubic feet of free air space for each person of an age exceeding twelve years, and of one hundred and fifty cubic feet of free air space for each person of an age not exceeding twelve years to occupy at any one time as a sleeping apartment any room or dwelling on his stand.

Number of cubic feet be allowed.

19. The Superintendent shall cause to be painted on each hut or building in the location the number thereof, or shall cause a board or plate bearing such number to be affixed thereto.

Numbers to be printed or affixed on buildings.

20. The Superintendent shall keep a register (which shall be called the Location Register) of all stands, huts, or other buildings in each location, together with the names and occupations of all persons holding stand permits or residing in any hut or building, and the number and description of all animals belonging to every such occupant. It shall be the duty of every person residing in a location to afford to the Superintendent thereof such information as he may require from time to time for the purpose of keeping such register, and any person who wilfully refuses to answer any question put to him by the Superintendent for this purpose or knowingly makes a false answer to such question, shall be guilty of a breach of these Bye-laws.

Location register.

21. Every holder of a stand permit shall, without being requested to do so, forthwith give notice to the Superintendent of the names and occupations of any person who may come to reside with him after the stand permit has been issued.

Notice to be given of additions to occupants.



No cattle, etc.  
in locations  
unless  
registered.

22. No person shall bring to or have or keep in any location any pigs; and no person shall keep therein any cattle, sheep, goat or horse for a longer period than twelve hours, unless such cattle, sheep, goat or horse be kept in a proper manner in a suitable stable, cow-shed or building erected with the written permission of the Medical Officer of Health, or the Superintendent acting under his instructions, and shall have been duly registered in the books of the Superintendent.

Registration  
of bicycles.

23. Any person who keeps a bicycle in any location, or allows a bicycle to remain on his premises therein, shall cause such bicycle to be registered in the books of the Superintendent within a period of twelve hours from the time when the same first comes into his possession or on to his premises.

Rent and  
charges for  
water and  
sanitary  
service.

24. Every holder of a stand-permit in the location shall pay to the Council \* *such inclusive sum by way of rent charges for water and sanitary service* as may be fixed in a tariff to be framed from time to time by the Council, subject to the approval of the Lieutenant-Governor, and all such sums shall be paid monthly in advance not later than the 7th day of each month to the officer of the Council appointed to receive the same.

The Council's  
lien on fixed  
property on  
stand.

25. The Council shall have a lien on any building or other erection on any stand for any rent or charges for water or sanitary fees due in respect of such stand, and, whenever the payment of rent or charges for water or sanitary service in respect of any stand is in arrear, the Council may, after one month's notice in writing to the holder of the stand permit of its intention to exercise this right, cancel the stand permit and sell by public auction any building or other erection on such stand. The proceeds of such sale shall be applied in the first instance to defray the cost of conducting the same and all sums due to the Council in respect of such stand, and the remainder, if any, shall be paid to the person who was the holder of the stand permit, to whom a full account of such proceeds shall be furnished, and no further or other compensation shall be payable to him in respect of such buildings.

Permission to  
sub-let a stand  
and liability  
of tenant.

26. No holder of a stand permit shall sub-let his stand or any portion thereof, or any building thereon without the written permission of the Superintendent. In the event of the Superintendent granting permission to the holder of a stand permit to sub-let the whole of his stand, the tenant to whom the stand is let shall during the period for which such permission is granted be required to perform all duties imposed by these Bye-laws on the holder of a stand permit, and shall be liable to all penalties for non-performance of the same, or for breach of any of these Bye-laws as if he were for the time being the holder of the stand permit for such stand, except that upon the commission by such tenant of an offence which if he were the holder of a stand permit would render such permit liable to cancellation without notice, his tenancy shall be deemed to terminate forthwith, and he shall cease to occupy such stand. The holder of

\* In the Regulations as applied to Pretoria, for the words in italics should be substituted the words, "such sums by way of stand rent, charges for water and sanitary services."—Government Notice 414, 1905.

† For tariffs see page 105.

the stand permit shall not be liable to any penalty, nor shall his permit be subject to cancellation by reason of any act or default of his tenant during the period for which his stand is let under such written permission as aforesaid, but the Council's lien on the buildings or other erections on any stand for any rent or sanitary fees due in respect of such stand while so let, shall nevertheless be retained.

27. In the event of any holder of a stand permit desiring to relinquish his stand before the date of expiration of such stand permit, and desiring to arrange with some other person to occupy such stand, he shall bring such person to the Superintendent, who, on being satisfied that the proposed person is a fit and proper person to reside in the location, may cancel the original permit for the remainder of the term for which it was granted; provided that all the amounts due to the council in respect of the stand have been duly paid, and may grant a fresh permit for such remaining period to the proposed person, on payment of a transfer fee of 2s. 6d.

Transfer of  
stand permit

28. Any holder of a stand permit who leaves his stand and suffers other persons to reside thereon without the written permission of the Superintendent thereto first had and obtained shall be liable to have his stand permit cancelled without notice, and all persons found residing on such stand without such permission as aforesaid may forthwith be removed.

Leaving stand  
and suffering  
other persons  
to reside  
thereon.

29. Any stand which may have been left unoccupied for the space of two months without the sanction of the Superintendent shall be deemed to have been abandoned, and any stand permit granted in respect thereof may be cancelled without notice.

Abandoned  
stands or huts

30. Coloured persons of South African origin may, in the discretion of the Council, be allowed to reside in any location, provided that such persons shall be subject in all respects to the provisions of these Bye-laws. No person other than a native or coloured person of South African origin, who is not a duly authorised servant of the Council, shall reside or trade in any location.

Persons who  
may reside  
locations.

31. Any person desirous of becoming an inhabitant of a location without erecting any hut or building may on satisfying the Superintendent that he or she intends to follow some lawful occupation, and in case of a male native, holds a labour passport, letter of exemption, or certificate of registration, receive from the Superintendent a twelve hours' permit for the purpose of finding some holder of a stand permit with whom he or she can reside, and if at the expiration of the said twelve hours such person does not satisfy the Superintendent that such residence has been found, he or she shall not be permitted to remain in the location.

Lodgers.

32. No person above the age of 14 years other than the holder of a stand permit shall be permitted to reside in any location, unless and until he or she has received from the Superintendent a permit to do so, which shall be called a "Location Permit," and shall set forth the name of the person and the registered number of the stand on which such person shall

Location  
permits.

reside, which permit shall be available for one month from date of issue thereof, and may thereafter, at the option of the Superintendent be renewed from month to month, provided that the Superintendent is satisfied that the holder thereof is following a lawful calling, and in case of a male native, holds a labour passport, letter of exemption, or certificate of registration.

Persons who may be required to leave location.

33. \*Any person found within any location may be required by the Superintendent to satisfy him that he is lawfully residing in such location or has a permit entitling him to remain therein *or that his presence there is for some good and sufficient reason, of which the Superintendent shall be the judge*, and any person failing to satisfy the Superintendent as aforesaid may be ordered by the Superintendent to leave the location forthwith, and any person failing to leave a location when so ordered, or returning to a location without permission from the Superintendent *on any day on which he has been so ordered to leave the same*, shall be guilty of a breach of these Bye-laws.

No person to remain in location without permission.

34. No person who is not lawfully residing in a location may remain therein for a period of more than six hours in any day without obtaining written permission from the Superintendent.

Stands to be kept clean.

35. Every holder of a stand permit shall keep his stand clean and free from weeds, refuse and filth of every kind, and shall keep all buildings thereon clean and in good order and repair and shall, unless exempted from this provision, whitewash all such buildings inside and outside in the months of January and July in each year, and at all such other times as the Medical Officer of Health, or the Superintendent acting under his instructions, shall require.

Stand-holders to erect closets.

36. Every holder of a stand permit shall, if and when required by the Medical Officer of Health, or the Superintendent acting under his instructions, erect on his stand a suitable privy or closet, and shall keep the same clean and in good order and repair.

Latrines.

37. The Council may erect latrines and urinals at suitable places in any location, and allot the same to the use of residents on particular stands, and the registered holders of stand permits in respect of those particular stands shall jointly and severally at all times be responsible that the latrines and urinals allotted to the use of residents thereon are kept clean and in good order.

Places of deposit for rubbish and liquid refuse.

38. The Superintendent shall appoint from time to time, in each location, a place or places for the deposit of rubbish, and also for the deposit of liquid refuse, and no person shall deposit any rubbish or any liquid refuse in any location except in places so appointed.

Receptacle for rubbish to be provided.

39. Every holder of a stand permit shall, if required, provide a suitable box or receptacle in which he shall place or cause to be placed all rubbish found on his stand ready for removal by the Council's carts on the days appointed for collection of such rubbish.

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\* In the Regulations as applied to Pretoria, the words in italics in this section should be omitted.—Government Notice 19, 1907.

40. No person shall bring, or knowingly suffer to be brought within any location, and no person shall, while within any location, have in his possession or control (except, in the case of a servant of the Council, for the purpose of immediate removal or destruction), or knowingly suffer to remain on his premises, any Kaffir beer or intoxicating liquor of any kind, and if any holder of a stand permit or other resident in a location shall be convicted of an offence against this Bye-law, the offender may, in addition to any other penalty, be immediately expelled from the location, and, in the case of the holder of a stand permit, his stand permit may be cancelled without notice. Any person who has been expelled from a location under this Bye-law shall not reside in any location during a period of six months after such conviction, or if he shall for such offence have been sentenced to imprisonment, during a period of six months after the expiry of such sentence, and shall not during such period return to or visit any location for any purpose without immediately reporting himself to the Superintendent and obtaining from him a written permission to visit such location.

Kaffir beer  
and intoxicating liquor

41. No person shall sink any well or make any excavation of any kind in any location without the permission in writing of the Medical Officer of Health, or the Superintendent acting under his instructions, and in giving any such permission the Medical Officer of Health may attach such conditions thereto as he may deem fit.

Wells.

42. Whenever a birth or death occurs on any stand in a location the holder of the stand permit in respect of such stand, or, in case of his death or incapacity, the eldest adult resident on the stand, shall immediately report the same to the Superintendent.

Reporting birth or death

43. In the event of any person in a location suffering from any infectious disease, the holder of the stand permit, in respect to the stand on which such person resides or is found, or, in case of his death or incapacity, the eldest adult resident on the stand shall immediately report the same to the Superintendent.

Reporting infectious diseases of persons.

44. In the event of any animal in any location suffering from or dying of glanders, lung-sickness, rinderpest, or any infectious disease to which "The Diseases of Stock Ordinance, 1902," or any similar law for the time being in force applies, or may hereafter be applied, the owner of such animal, or failing him the holder of the stand permit in respect of the stand on which such animal is kept or may be found, shall immediately report the case to the Superintendent.

Reporting infectious diseases of animals.

45. No shop or trading station shall be allowed within any location except with the approval and during the pleasure of the Council, but the Council may from time to time set apart sites in any location to be used for trading purposes, and may let such sites, either on lease or otherwise, to such persons for such period and on such terms and conditions as to it shall seem fit, and may in its discretion exempt such sites from any or all of the provisions of these Bye-laws as to stands and stand permits.

Shops.

46. The Council may allot sites in any location to any recognised religious societies for church and school purposes, or to any employer of natives for the purpose of a compound

Churches schools.

- in which such natives may be housed, on such conditions and with such powers of resumption as the Council may think fit, and may in its discretion exempt such sites from any or all of the provisions of these Bye-laws relating to stands or stand permits.
- Lodging houses in location. 47. The Council may reserve certain stands in any location and erect thereon suitable rooms of not less than 1,600 cubic feet in measurement with latrine and kitchen accommodation, for the purpose of lodging such natives who cannot afford or do not desire to erect houses, and for the accommodation of travelling natives. Natives desiring accommodation therein shall apply to the Superintendent, and the Superintendent may allot each applicant not less than one-fourth of a room, the charges for which shall be payable in advance according to a tariff to be framed by the Council. The Superintendent shall have the right to refuse accommodation to any native he may deem undesirable, and any native found occupying any room or portion thereof without permission from the Superintendent, shown by a receipt for his rent, shall be guilty of a breach of these Bye-laws.
- Right of entry by servants of Council. 48. The Superintendent, or any servant of the Council authorised by him, or any police officer, shall at all times have access to all stands and huts and buildings and every part thereof within the location, for the purposes of inspection, and no person shall at any time obstruct him or them in such inspection, or refuse or interfere with such access as aforesaid.
- Right of entry by Medical Officers, and removal of diseased persons. 49. The Medical Officer of Health and his authorised assistants may at all times enter upon any stand or building in any location and examine all natives thereon or therein, and any native resident in any location who shall appear to the Medical Officer of Health to be suffering from or to have been exposed to the infection of any infectious disease may by order of the Medical Officer of Health be removed to such place either within or beyond such location as the Council may appoint for receiving such natives, and may by a like order be therein detained until such time as in the opinion of the Medical Officer of Health he shall be free from such infection.
- No persons to be in streets of location during certain hours of the night. 50. No person residing in any location, other than servants of the council or police officers, shall be in the streets, public places, or thoroughfares of such location between the hours of 10 p.m. and 4 a.m., unless in possession of a written permission from the Superintendent, or from his employer, which he shall produce if and when required.
- Superintendent may prohibit games or entertainments likely to cause nuisance or annoyance. 51. The Superintendent may prohibit any game or entertainment in any location which causes, or is from its character likely to cause, nuisance or annoyance to the residents in such location, or to persons in the neighbourhood, and the holder of the standpermit in respect of any stand on which such game or entertainment takes place or continues after such prohibition, as well as all persons taking part therein, shall be guilty of a breach of these Bye-laws.
- Penalty for injuring municipal property or defacing notice. 52. Any person who wilfully or negligently damages or destroys any building or erection, or any pipe, refuse receptacle, or other fitting or appliance in any location which is the property of the Council, or defaces any notice of the Council affixed therein, shall be guilty of a breach of these Bye-laws.

53. Where any notice is required under these Bye-laws to be given to the holder of a standpermit it shall be sufficient if such notice is affixed in a conspicuous position on some part of the stand to which it refers. Manner in which notice may be given.

54. Any person convicted of a breach of these Bye-laws shall be liable to a penalty not exceeding ten pounds, or, in default of payment, to imprisonment with or without hard labour for a period not exceeding three months. Penalties.

\*55. Notwithstanding anything contained in the foregoing regulations, the Council may, pending the re-arrangement of the existing location, issue monthly standpermits, which shall give the holders thereof the right to occupy the stands therein named as monthly tenants. The holder of a standpermit shall pay for his stand a rent of 7s. 6d. per month, and shall be subject to the same obligations as the holder of a stand-permit issued under these regulations, but shall not be entitled on the termination of his tenancy to any compensation for the buildings on his stand; provided, however, that if prior to such termination he shall apply for and obtain a stand-permit in respect of another stand, the council shall in its discretion either undertake at its own cost the removal of any buildings erected on his stand or belonging to him, and their re-erection on the new stand allotted to him instead thereof, or pay to him a reasonable sum as compensation for the expenses incurred by him in such removal and re-erection. Council may issue temporary permits pending re-arrangement of location.

Charges payable by each holder of a standpermit according to the Location Tariffs framed under section *twenty-four* of the Location Regulations:—By Government Notice 821, 1904: *Klerksdorp*, 5s. per mensem; *Krugersdorp*, 17s. per mensem, being 7s. 6d. stand license and 9s. 6d. for sanitary services; *Standerton*, 10s. per mensem, being 5s. stand license and 5s. for sanitary services. By Government Notice 822, 1904: *Amersfoort*, 2s. 6d. per mensem; *Bethal*, 12s. 6d. per mensem; *Carolina*, 3s. per mensem, or 30s. per annum; *Christiana*, 2s. per mensem; *Ermelo*, 7s. 6d. per mensem; *Lichtenburg*, 5s. per mensem by every holder of a stand permit who is not in *bona fide* employment within the municipal area; *Rustenburg*, 6s. per mensem; *Schweizer Reneke*, 2s. 6d. per mensem; *Volksrust*, 8s. 6d. per mensem, subject to the proviso that the sanitary service is not compulsory, and any person not using it will only pay 5s. per mensem. By Government Notice 882, 1904: *Vereeniging*, 5s. per mensem. By Government Notice 858, 1904: *Pietersburg*, 10s. per mensem. By Government Notice 901, 1904: *Barberton*, 11s. per mensem per house or hut. By Government Notice 902, 1904: *Potgietersrust*, 2s. 6d. per mensem. By Government Notice 907, 1904, amended by 972, 1904: †*Potchefstroom*, large stands, 50 x 25 yards, £1 per mensem; small stands, 25 x 25

\* This section is applicable to Pretoria only.

† In Malope vs. Potchefstroom Municipality, T.S. 1905, p. 96, payment of stand licences in respect of the old locations, Potchefstroom, was successfully resisted, on the ground that this location had not been established as required by Ordinance 58, 1903.

cet, 7s. 6d. per mensem. By Government Notice 918, 1904 :  
*Belfast*, 5s. per mensem. By Government Notice 229, 1906,  
the charges for *Pretoria* were laid down as follows :—

	£	s.	d.
1. For each residential stand, per month (with ordinary sanitary service) .. ..	0	10	0
For each residential stand, per month (with daily sanitary service) .. ..	0	18	0
These amounts are made up as follows :—			
Stand rent .. ..	0	4	0
One sanitary pail (ordinary service) .. ..	0	4	0
Or one sanitary pail (daily service) .. ..	0	12	0
Water supply .. ..	0	1	0
Rubbish removal .. ..	0	1	0
2. For each business stand per month (with ordinary sanitary service) .. ..	0	16	0
For each business stand per month (with daily sanitary service) .. ..	1	4	0
These amounts are made up as follows :—			
Stand rent .. ..	0	10	0
One sanitary pail (ordinary service) .. ..	0	4	0
Or one sanitary pail (daily service) .. ..	0	12	0
Water supply .. ..	0	1	0
Rubbish removal .. ..	0	1	0
3. For stand only, per month .. ..	0	4	0
This charge shall only be made where one or more stands occupied by the same holder adjoin and where for one stand rates are paid for sanitary, water, and rubbish services.			
4. For rent of each stand occupied by churches or schools, exclusive of sanitary service, water supply and rubbish removal, per year	0	1	0
5. For each sanitary pail (ordinary service), per month .. ..	0	4	0
6. For each sanitary pail (daily removal service), per month .. ..	0	12	0

*Johannesburg*.—The charge prevailing in respect of stands in the *Johannesburg* location is 8s. per mensem, being 3s. 6d. stand rent and 4s. 6d. for water and sanitary services. This charge covers two persons over the age of ten years and three children under that age. For every additional person over the age of ten years, an extra charge of 1s. 6d. is imposed, and for a person under the age of ten, a charge of 9d. Government Notice 458, 1907.











## **Marriage.**

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The marriages of coloured persons are celebrated in conformity with the provisions of Law No. 3, 1897, which has been amended by Proclamation No. 25 of 1902, Proclamation No. 28 of 1902, Ordinance No. 39 of 1904, and Ordinance No. 19 of 1906. Instructions for the guidance of Marriage Officers for Coloured Persons have been issued by the Department of Native Affairs.

Marriage  
Law.

Marriage officers appointed by the late Government under Art. 6 of the Law were confirmed in their functions by Government Notice No. 71 of 1901. By Government Notice No. 410 of 1902, these appointments, which had been made in respect of particular districts, were made effective in respect of the entire Colony.

Marriage  
Officers.

As a number of ecclesiastical marriages had been contracted by coloured persons prior to the promulgation of the Marriage Law, Ordinance No. 29 of 1903 was enacted in order to allow of the legalisation of these marriages. Two other validating Statutes—Proclamation No. 31, 1902, and Ordinance No. 33 of 1905—were necessitated by irregularities of celebration during and immediately after the war; these two Acts are not published in this volume.

Validation.

In case of the re-marriage of a widowed person, a certificate is required in terms of section *eight* of Ordinance No. 15, 1905.

Re-Marriage.

Marriages according to native custom are recognised in the Native Courts, and the due succession under native law of the issue of such marriages is provided for in the Administration of Estates Proclamation No. 28, 1902 (*vide* page 207). Claims in connection with “lobolo” payments are excluded from the Native Courts, with the exception of claims for recovery in cases of desertion, when the applicant, unless he has been guilty of conduct disintitling him to relief, can obtain redress according to the recognised principles of native law and custom.

Under Native  
Law.

The terms of section *eleven* of Proclamation No. 16, 1902, relative to the evidence of husband or wife in criminal proceedings, are held to apply to parties married under native law.

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LAW 3, 1897.

(AS AMENDED.)

Inasmuch as the People allows the dissemination of the Gospel among coloured people, and provision was made by Law No. 3, 1871 that the marriages of coloured people should be regulated by law, and inasmuch as the People will not tolerate any equalisation (as between whites and blacks) either in Church or State; and inasmuch as there are coloured persons who, by instruction and civilisation have become distinguished from barbarians, and who, therefore, desire to live in a Christian and civilised manner, and accord-

ingly wish to be lawfully united in marriage, be it hereby enacted as follows :—

Lawful marriage between male and female coloured persons allowed.

What is required for the contracting of such marriage.

Coloured persons coming from beyond the limits of the State.

What if parties live in different districts.

Obligation of the marriage officer.

Ditto.

Art. 1. Male and female coloured persons who have reached a marriageable age may contract a lawful marriage with each other.

2. Every coloured person who wishes to contract a marriage as above must make an application to that effect to a person or persons to be appointed for that purpose by the Government. He must submit therewith a certificate from their parents, or where there are no parents alive, from their guardians, or from his captain or other chief of natives, that according to law there is no hindrance to the proposed marriage, or, if they are Christians, of the minister of their church.

Coloured persons coming from beyond the limits of this State, and wishing to enter upon marriage here, will have to show to the satisfaction of the above-mentioned person, by means of a certificate or other sufficient evidence, that according to law there is no obstacle to the proposed marriage.

3. When the parties who wish to enter upon marriage live in different districts, it is left to them to choose in which of the two districts they wish to have their marriage contracted.

The person mentioned in Art. 2 who shall solemnise the marriage must have a certificate submitted to him from his fellow-official of the district where the other party lives that he certifies in virtue of a certificate handed in to him as mentioned in Art. 2 that no obstacle exists to the proposed marriage.

The person mentioned in Art. 2 who has solemnised the marriage shall give notice of the same by sending a certified copy from his register to his said fellow-official.

4. Before solemnising a marriage between coloured persons, the person mentioned in Art. 2 must satisfy himself that the man has complied with the different laws which are in force in this State with reference to natives (as the Pass Law, etc.)

Similarly he shall, when the woman has been already married, satisfy himself that 300 days have already elapsed since the dissolution of the previous marriage.

5. Before the solemnisation of the marriage the person mentioned in Art. 2 shall clearly and emphatically expound and explain to parties the moral and legal significance of the marriage, and after they have declared that they have understood him clearly, shall direct the following questions to each separately :—

“ Do you, A. B., solemnly declare that, so far as you know, there is no obstacle whatever to your proposed marriage with C. D., here present, and that you call all present to witness that you recognise C. D. as your lawful wife (or husband).”

Thereupon the parties give each other the right hand, and the person mentioned in Art. 2 declares the marriage completed in the following words :—

“ I declare that A. B. and C. D., here present, are in the eye of the law lawfully united in the married state.”

6. Every minister of coloured persons to whom is granted individually by the Government the right to solemnise marriages under this Law shall be able to do so on production of a certificate of the person mentioned in Art. 2 that the provisions of this Law have been complied with. In the solemnisation of such marriages the minister may follow the formulary in use in his church.

Obligation of the marriage minister.

He shall within eight days after the solemnisation of such marriage give notice of the same by means of a certified copy from his register to the person mentioned in Art. 2, in the district where the marriage has been solemnised.

Every person who solemnises a marriage in conflict with this Article, or who does not act in accordance with the form prescribed in the instructions given in the preceding paragraph, shall be punished by a fine not exceeding £50, or with imprisonment with or without hard labour for a period not exceeding six months.

Penalty for acting in conflict with this article.

7. The solemnisation of the marriage shall take place between the hours of 8 o'clock in the morning and 4 o'clock in the afternoon, at a place which the person mentioned in Art. 2 or the minister shall consider suitable for that purpose, and in the presence of at least two male witnesses above the age of sixteen years.

When and where the solemnisation of marriage takes place.

8. Coloured persons who wish to have a marriage consecrated in church may, if the parties or one of them belongs to a Christian or any other communion recognised by this State, on a certificate of the person mentioned in Art. 2 to the effect that the requirements imposed in Art. 5 have been complied with, be, by any minister authorised thereto by the Government, consecrated in the church according to the usage and rites of the church concerned as mentioned in Art. 6.

Consecration of such marriage in church.

9. No coloured person may be compelled by any judicial sentence or order for any reason whatever to contract a marriage.

Coloured persons may not be compelled to marry.

\*10. A marriage, which has been solemnised in accordance with the regulations of this Law, may be dissolved by divorce on the grounds and with the observance of the regulations laid down with reference thereto by the general law.

Divorce is in accordance with general law.

11. The coloured person who contracts a marriage before a previous marriage entered into by him has been dissolved, shall be punished by imprisonment with hard labour for a period not exceeding five years.

Penalty for coloured person who commits bigamy.

12. The person mentioned in Art. 2 or any minister who unites any coloured person in marriage knowing that a marriage previously entered into by that person has not yet been dissolved shall be punished with imprisonment with hard labour for a period not exceeding three years.

Penalty for marriage officer, &c., who celebrates a bigamous marriage.

Registers to be kept by marriage officer.

13. Every person mentioned in Art. 2 shall keep a register in duplicate, in which he enters :

(a) The marriages of coloured persons solemnised by himself, and those brought to his notice in accordance with Arts. 3 and 6 by any of his fellow-officials or by any minister authorised thereto by the Government.

Where the original and duplicate register must be preserved. Copies from registers.

\*He shall preserve the original register in his office and forward the duplicate every year before the 15th January to the Superintendent of Natives.

When parties so desire he shall be obliged to issue to them a certified copy from his register. Other persons may demand similar copies from his register, in which case the copy must be provided with a stamp of the amount of 2s. 6d., to be paid by the applicant.

Form of register and certificates.

The form of the register and the certificates shall be determined by the Superintendent of Natives.

Law 3, 1871, and general law may apply.

15. So far as no provision is made by this Law the provisions of Law No. 3, 1871, and of the general law shall apply as far as possible according to circumstances.

Meaning of "coloured person."

†18. The term "coloured person" in this Law shall include any person who is manifestly a coloured person, and whose marriage on that account cannot be solemnised under the provisions of Law No. 3 of 1871.

Operation.

19. This Law shall come into operation on 1st January, 1898.

#### ORDINANCE No. 39, 1904.

3. Art. 14 of Law No. 3 of 1897 shall be and is hereby repealed, and from and after the date of the taking effect of this Ordinance a fee of five shillings shall be paid before the solemnisation of any marriage . . . . in case the marriage is to be solemnised under Law 3 of 1897 to the person who in accordance with Art. 2 thereof has been appointed to solemnise marriages between coloured persons.

#### ORDINANCE No. 29 OF 1903.

Be it enacted by the Lieutenant-Governor of the Transvaal with the advice and consent of the Legislative Council thereof as follows :—

Marriages between coloured persons solemnised prior to operation of Law No. 3 of 1897 to be valid.

1. All marriages between coloured persons solemnised by a †minister of religion authorised to solemnise marriages before the coming into operation of Law No. 3 of 1897 shall be as valid to all intents and purposes as if such marriages had been duly solemnised after the coming into operation of the said Law in

\* By Ordinance 19, 1906, the Registrar General is substituted for the Supt. of Natives in this section. Ordinance 19, 1906, has not yet been brought into operation.

† Ordinance 39, 1903.

‡ The minister who solemnised the original marriage must at the time have been authorised to solemnise marriages under Law No. 3, 1871. *Vide* Camel *vs.* Dhlamini, 1903, T.H. 258.

the manner prescribed therein; provided that neither of the parties shall after such marriage have lawfully intermarried with any other person; and provided further that the said marriages be registered with the marriage officers appointed in the several districts under Art. 2 of Law No. 3 of 1897.

2. Before registering any such marriage as in the last preceding section mentioned the marriage officer shall satisfy himself by calling for the production of a marriage certificate or otherwise that such marriage was solemnised by a minister of religion authorised to solemnise marriages and shall charge for such registration the sum of two shillings and sixpence to be denoted by stamps to be affixed to a certificate of registration which shall after cancellation of the stamps by the said marriage officer be delivered to the parties to the said marriage.

Duties of  
registering  
officer.

3. This Ordinance may be cited as the Legalization of Title. Marriages of Coloured Persons Ordinance 1903.

#### ORDINANCE No. 15 OF 1905.

8. Section *ninety-three* of the Proclamation (No. 28, 1902) shall be and is hereby repealed and there shall be substituted therefor the following provision:—

Prohibition of  
re-marriage  
of surviving  
parent till  
minors'  
shares have  
been secured  
except where  
estate under  
one hundred  
pounds.

“(1) Whenever any person who is a widower or widow and the parent of a minor child entitled to claim from such person any inheritance from the estate of such person's deceased spouse shall intend to marry again such person shall (whether the marriage be by special license or after publication of banns) obtain a certificate from and under the hand of the Master to the following effect:—

(a) if the estate of the deceased spouse or the joint estate of the deceased spouse and the surviving parent is of the value of one hundred pounds and upwards a certificate that the amount of inheritance due to such minor child aforesaid from and out of the estate aforesaid has been paid into the Guardians' Fund or otherwise secured;

(b) if any such estate is in value under one hundred pounds a certificate stating such fact.

(2) Every such certificate shall be delivered to the Magistrate or minister of religion before whom such marriage is intended to be solemnised.

(3) Any such person as is mentioned in sub-section (1) who shall marry again without obtaining such certificate as is required by such sub-section shall forfeit at the instance of the Master or of such child aforesaid when he or she attains the age of twenty-one years a sum equal to one-fourth of such person's share in the joint estate of such person and the deceased spouse aforesaid for the benefit of any such child and shall in addition incur a fine not exceeding one hundred pounds.



(4) Every Magistrate or minister of religion who shall solemnise any such marriage as is in this section mentioned unless there has been first delivered to him a certificate as therein mentioned shall in addition to any other liability incur a fine not exceeding five hundred pounds."

### INSTRUCTIONS TO MARRIAGE OFFICERS FOR COLOURED PERSONS.

1. The marriages of coloured persons can only be solemnised validly in the Transvaal in accordance with the provisions of Law No. 3, 1897.

Marriage  
Officers.

2. The persons who alone can solemnise marriages are called marriage officers, and they may be divided into two classes, viz.:—Civil and ecclesiastical marriage officers. The civil officers are those who are appointed under Art. 2 of the Law; the ecclesiastical officers are those appointed under Art. 6. It is entirely within the choice of the contracting parties as to whether their marriage shall be solemnised according to the civil or the religious ceremony, but when the banns have been published by an ecclesiastical officer it should be assumed that the religious ceremony is desired.

Banns.

3. Unless a special license has been obtained, the publication of banns is necessary before the celebration of a marriage. Banns must be published either in the ordinary manner on three successive Sundays during religious service in any church or other recognised building used for public worship, or by posting the particulars during the same period on the door of the office of the Magistrate within whose jurisdiction each, or both, of the parties reside.

The law prescribes nothing with regard to the status of the minister calling the banns. If, as a matter of fact, the person calling the banns is regarded by a substantial number of people as their minister, and he calls the banns in a building regularly set apart and used for public worship, the publication is sufficient.

If the parties live in different districts, the banns should be published in both places.

Certificate of  
non-objection.

4. Art. 2 of the Law provides that before a marriage of coloured persons can be solemnised, the parties must submit a certificate either from their parents or guardians, their captain or chief, or the minister of their church, to the effect that there is no impediment to the marriage according to law. Obviously the attendance of any of these persons is not obligatory. If the parties come from beyond the limits of this Colony, they must show to the satisfaction of the civil officer that there is no obstacle to the marriage.

Civil Cer-  
emony.

5. In the case of a civil marriage, the officer appointed under Art. 2, after satisfying himself that the requirements of the Law have been met, solemnises the marriage in accordance with the formula contained in Art. 5 of the Law. He duly

records the marriage, and furnishes the couple with a certificate on the form known as the Duplicate Original Register (*vide* attached form).

Civil marriages of this kind may if desired subsequently be "consecrated" according to religious forms.

6. In the case of an ecclesiastical marriage, the parties must first resort to the civil officer for the purpose of obtaining a certificate to the effect that the requirements of the Law have been met. This document, which is known as an Enabling Certificate, is handed by the parties to the ecclesiastical marriage officer, who is then at liberty to celebrate the marriage according to the recognised formula of his denomination. He then furnishes the couple with a Marriage Certificate, and he also forwards to the civil officer by whom the Enabling Certificate was issued a Duplicate Original Register, duly completed with the necessary particulars and signatures in original.

Religious  
Ceremony.

\*7. A Duplicate Original Register of every marriage must be forwarded to the Office of the Secretary for Native Affairs for record. These registers must be transmitted monthly by the civil marriage officer, and each register will bear the serial number of the civil officer in whose district the marriage was celebrated. The series are annual and are numbered consecutively, as, *e.g.*, Nylstroom I. to X., 1906; Kaalfontein I. to X., 1907, etc. The procedure is simple. If the marriage is by civil rite, the civil officer will, of course, make the necessary entry in his Marriage Register under the serial number, and at the same time will obtain a Duplicate Original Register for the Secretary for Native Affairs on the form provided; if the marriage is to be celebrated ecclesiastically, the civil officer will, when issuing the Enabling Certificate, reserve a serial number in his own register and furnish the ecclesiastical officer with a form of Duplicate Original Register for completion when the marriage is celebrated, and for subsequent return to himself (the civil officer); on the return of the completed Duplicate Original Register, the civil officer can make a short transcript into his own register and his series of Duplicate Originals will be complete for transmission to headquarters.

Record of  
Marriage.

8. The fee payable to Government in respect of any marriage is five shillings. A stamp of this value must be affixed to the Duplicate Original Register which is required for the Head Office. The fee must be paid before the marriage is celebrated by the civil officer, or, in ecclesiastical marriages, before the Enabling Certificate is issued. The stamp must in every case be defaced by manuscript initials and date.

Fees.

With regard to special licenses the case is different. The fee is £7 10s., and a special form obtainable from the Magistrate must be completed.

9. Minors must obtain the consent of their parents or guardians before they can be married.

General  
Provisions

The consent of parents is unnecessary if the parties are over age.

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\* See note to Section 13. Law 3, 1897.

Witnesses to a marriage should be males above the age of sixteen years. If such witnesses cannot sign their names, their marks must be properly attested.

**Re-marriage.** 10. It should be noted that according to section *eight* of Ordinance No. 15, 1905, any widowed person desiring to re-marry must obtain a certificate from the Master of the Supreme Court. A second marriage may, however, be solemnised if the marriage officer is satisfied by affidavit either that the pre-deceased spouse left no property, or that there are no minor children by the first marriage (the affidavit would require a stamp of 2s. 6d.)

Whenever, in a Duplicate Marriage Register, the term "widow" or "widower" is used to describe a contracting party, it should be stated whether a Re-marriage Certificate has been obtained, whether it is unnecessary, or whether the description is based upon a previous non-legal union, such as a marriage according to native custom, or a marriage according to Christian rites before the promulgation of Law 3, 1897.

**Legalisation of Marriage.** 11. Many marriages of coloured persons have been celebrated ecclesiastically prior to the promulgation of Law 3, 1897, and such marriages are consequently not of legal effect. They can, however, be validated in terms of Ordinance No. 29, 1903.

For the legalisation of such marriages, which must have been solemnised by a minister who at the time was a marriage officer appointed under Law 3, 1871, both the parties must appear before the civil marriage officer and signify in writing their wishes in respect to the legalisation.

A certificate on the Duplicate Register form, bearing stamps to the value of two shillings and sixpence, should then be issued to the parties, and the marriage can be numbered and included in the current series. The certificates should, however, be endorsed with a reference to the Ordinance under which it is issued.

**Statutory Enactment.** 12. Law No. 3, 1897, is appended. Other laws which have any bearing upon native marriages are—

Law 3, 1871.

Proclamation No. 6, 1900, No. 31, 1902.

Ordinance No. 29, 1903, No. 39, 1904, No. 33, 1905.

13. All previous instructions on the subject are cancelled. Pretoria, 23rd August, 1906.

**CERTIFICATE.**

No.....

**DUPLICATE ORIGINAL REGISTER OF MARRIAGES BETWEEN COLOURED PERSONS.**

*Marriage Solemnisation at.....District.....*

When Married.	Full Name of Contracting Parties.	Age.	Condition.	With or without Ante-Nuptial Contract.	Residence at Time of Marriage.	With Consent of Whom.	By Special Licence or after Publication of Banns.	Remarks.

*This Marriage was solemnised by me on this.....day of..... This Marriage is contracted between us ;*  
.....190.....

.....  
*Marriage Officer.*

*In the presence of the undersigned witnesses :*

- 1.....
- 2.....













## **Master and Servants.**

The principal Law which regulates the relations of Master and Servant in the Transvaal is Law No. 13 of 1880.

Section *one hundred and fifty-one* of the Gold Law, No. 15, 1898, also relates to this subject.

The Native Passes Proclamation, No. 37 of 1901, amended by Ordinance No. 27 of 1903, and the Regulations thereunder (*vide* page 160) likewise contain provisions treating of the relations of Master and Servant.

### LAW No. 13 OF 1880.

Whereas it is expedient to regulate the relative rights and duties of Masters, Servants and Apprentices, and to provide for the protection of the labouring classes :

Be it therefore enacted by the Officer administering the Government of the Transvaal Province, with the advice and consent of the Legislative Assembly thereof, as follows :—

1. All Laws and Regulations and Resolutions of the Volks-raad repugnant to or inconsistent with the provisions of this Law shall be, and the same are, hereby repealed. Repeal.

2. For the purposes and within the meaning of this Law, unless it be otherwise specially provided, or there be something in the subject or in the context repugnant to such construction :

1st. The word "Administrator" shall mean the Officer lawfully administering the Government of this Province.

\*2nd. The word "Servant" shall be construed and understood to comprise any person employed for hire, wages, or other remuneration, to perform any handicraft or any other bodily labour, in agriculture or manufactures, or in domestic service, or as a boatman, porter, or other occupation of a like nature.

3rd. The word "Apprentice" shall be construed and understood to comprise any person indentured or bound by any contract of apprenticeship made according to law as apprentice to any other person.

4th. The word "Master" shall be construed and understood to comprise any person, whether male or female, employing for wages, hire, or other remuneration, any persons falling within the before-mentioned definition of the word "Servants," or to whom any person falling within the before-mentioned definition of the word "Apprentice" shall have been indentured or bound by any contract or apprenticeship made according to law.

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\* This definition must be very strictly construed. *Vide* Clay *vs.* Rex, 1903, T.S. 482.

- 5th. The words "Contract of Service," and "Contract of Apprenticeship," shall respectively be construed and understood to comprise any agreement, whether oral or written, whether expressed or implied, which any person falling within the before-mentioned definition of the words "Servant" or "Apprentice" shall respectively have entered into or made according to law with any person falling within the before-mentioned definition of the word "Master," for the performance of any work or labour of any kind hereinbefore-mentioned.
- 6th. The words "Landdrost" and "Landdrosts" shall be construed and understood to comprise the Landdrosts duly appointed for the different districts of this Province.
- 7th. The word "Month" shall be construed and understood to comprise the period of one calendar month.
- 8th. The words "Father," "Parent," "Relative," "Husband," and "Wife," shall be respectively construed and understood to comprise reputed fathers, parents, relatives, husbands, or wives, as well as actual parents and relatives, and lawful husbands and wives.
- 9th. The words "Officer" and "Proper Officer," when used with reference to the attestation or making of contracts of service of apprenticeship, or to the transfer or assignment of apprentices, shall be construed and understood to comprise every person who shall have been appointed by the Administrator to attest or make such contracts.
- 10th. All words in this Law and in the various rules and regulations hereinafter enacted importing the singular number or the masculine gender only, shall be construed and understood to include several persons as well as one person, and females as well as males.

#### CHAPTER I.

##### Jurisdiction.

1. The Courts of this Province, in all cases which are now, or shall be hereafter, depending before the same, arising out of or respecting the formation or dissolution of contracts of service or apprenticeship, or touching or concerning any rights, duties, obligations, power, liabilities, or other matters or things arising out of or proceeding from any contracts of service or apprenticeship, or any of the mutual relations subsisting between masters and servants, or apprentices, shall respectively try, judge, and determine such cases according to the law of this Province respecting and applicable to bilateral contracts in general, except when other provisions touching and concerning any such matter and thing as aforesaid shall have been made in this Law, or by any other Law not repealed by the provisions of this Law.

2. This Law shall not annul or affect any contracts of service or apprenticeship entered into previously to the time when this Law shall take effect, and which, under and by virtue of and according to any Laws in force within this Province on the day previously to the taking effect of this Law, were then subsisting legal and valid contracts.

Existing  
contracts.

3. Nevertheless, any such last-mentioned contract of service or apprenticeship to be performed within this Province shall be liable to be set aside by any Landdrost having jurisdiction over the parties, or any competent Court, upon reasonable proof being made to the satisfaction of such Landdrost or Court that either of the parties to such contract was induced to enter into the same by any fraud, misrepresentation, or concealment.

Setting aside  
contract

## CHAPTER II.

1. No contract of service made elsewhere than within the limits of this Province shall be of force or effect within this Province, except the same shall have been made in writing.

Foreign  
contracts.

2. Contracts as before-mentioned shall not, except as herein-after excepted, be valid within this Province unless the same shall have been inspected and confirmed by a Landdrost of this Province, in which case contracts shall have force and effect for any term therein stipulated: provided such term shall not be taken to extend beyond three years from the date of the arrival in the Province of the contracting servant.

Must be con-  
firmed by  
Landdrost.

3. Contracts of service made in any country of Europe shall be valid in this Province for any stipulated period not exceeding three years from the date of the arrival of the contracting servant.

European  
contracts

4. Contracts of service made in any British possession not in Europe, if duly executed before a Magistrate or any other competent authority, or contracts of service made in any Foreign State not in Europe, if duly executed before any British Consul resident in any such State, shall be valid in this Province for any stipulated term not exceeding three years from the date of the arrival in this Province of the contracting servant: provided always that in case one or more of the contracting parties shall not be of European birth, the said Magistrate, Consul, or other authority shall certify on the said contract that the conditions therein contained have been read, explained, and, if needful, translated, and have been agreed to by the said contracting parties. But the contracts not so certified shall, notwithstanding, have force and effect in this Province upon other proof of such contract to the satisfaction of the Landdrost before whom the same shall come in question.

Contracts  
entered into  
in any British  
Possession.

5. All contracts provided for in the two preceding sections of this Law, made without the limits of the Province, shall within two months of the date of the arrival of the contracting servant be submitted to the inspection of a Landdrost, who is hereby required to record the said contract and empowered to amend the same should the conditions of the contract be manifestly unjust or mutually inequitable.

Approval by  
Landdrost.

- Office Fee. 6. For the recording and for the confirmation, inspection, or revision of any such contract, there shall be paid to the Landdrost by the party contracting with the servant, a fee of five shillings, which fee shall be paid into the Provincial Treasury, for the use of the public service.
- Appeal. 7. It shall be lawful for any party to any such contract, as aforesaid, feeling aggrieved by any decision of any Landdrost to appeal against any such decision to the High Court of this Province.
- Contract deemed to be subject to one month's notice, unless otherwise specified. 8. Every contract of service, whether oral or written, the term of endurance of which shall not have been expressly specified and limited by such contract, shall, in the absence of sufficient proof to the contrary, be deemed and taken to be for the term of one month from the commencement thereof, save and except contracts for service in any trade or handicraft, whereby it shall not have been stipulated that the servant shall, during the term thereof, reside in the house of or on the premises of the master, which shall be deemed and taken to endure only until the night of Saturday of the week on any day of which it shall have been stipulated that the service shall commence, and contracts for executing any particular piece of work specified in the contract, which shall expire as soon as the work is finished, and when the work is not finished within a reasonable time may be put an end to by the master, after the lapse of a period of time reasonably sufficient for finishing such work.
- Oral contracts only binding for one year, &c. 9. No oral contract of service shall be valid or binding for any longer term than one year from the period fixed for the commencement of the service stipulated for by any such contract, and no such oral contract shall be valid or binding in any case unless it be stipulated in such contract that the service thereby stipulated for shall be entered upon by the servant within one month from the date of the contract.
- Written contracts. 10. No written contract of service entered into in this Province shall be valid or binding for a longer period than one year from the date thereof, nor shall any contract for service in writing be valid or binding in any case on any servant unless the service so contracted for shall be stipulated to commence within the period of one month from the date of the contract, except the contract be signed with the name, or, in case of illiterate persons, with the mark of the contracting parties, in the presence of a Landdrost or other proper officer described in the second section hereof, who shall satisfy himself by inquiry of the servant or apprentice that the contract was entered into by the parties voluntarily, and with a clear understanding of its meaning and effect and shall then, and not till then, subscribe such written contract in attestation of the fact.
- Time limit for written, registered contracts. 11. No such contract so entered into before the Landdrost or other officer shall be valid or binding for a longer period than five years from the date thereof, if entered into within this Province, and no such contract shall endure longer than five years from the day of the commencement of the service when such contract shall be entered into elsewhere than in this Province.

12. All contracts of service entered into before a Landdrost or other proper officer within the limits of this Province shall be drawn up as nearly as possible in the following terms: Form of contract.

Be it remembered that on this.....day of.....  
in the year of our Lord....., A.B., of.....  
and C.D., of....., appeared before me, E.F.  
(Landdrost or officer specially appointed by the  
Administrator to attest contracts of service for the  
district, as the case may be, with his usual description),  
and in my presence signed their names (or made their  
marks, as the case may be) to the following contract  
of service: The said A.B. agrees to hire the service of  
the said C.D., and the said C.D. agrees to render to  
the said A.B. his service at all fair and reasonable times,  
and in the capacity of....., for.....,  
commencing on the.....day of....., in  
the year..... And it is further agreed that  
the said A.B. shall pay to the said C.D., as such servant  
as aforesaid, wages after the rate of.....by the day  
(week, month, or year, as the case may be), and that  
such wages shall be paid on the.....day of each  
week (or month, as the case may be).

Here add any special agreement compatible with the law,  
and not adverted to in this form.

(Signed) A.B.  
C.D.

The preceding agreement was signed by the above-named  
parties in my presence on the day and year above written,  
voluntarily, the same being, as far as I am able to judge, under-  
stood by them respectively.

(Signed) E.F., Landdrost.

(Or officer specially appointed by the Administrator to attest  
contracts of service for the district.)

13. No contract of service for a month or any longer period shall be deemed and taken to have expired until at least one month's notice, calculated from, and inclusive of, the day of giving such notice, shall have been given by either of the parties to the other party, unless it shall have been expressly stipulated that no such notice shall be necessary: provided that nothing herein contained shall be construed so as to enable any party to any contract of service to determine the same without the consent of the other party before the expiration of the term of service originally agreed upon. Notice.

14. When any notice, as is hereinbefore mentioned, shall have been given by either of the parties to the other, and the master shall suffer the servant to remain, or the servant shall remain in his service after the day on which, according to the notice given, the contract of service should expire, such notice shall be deemed and taken to have been withdrawn and passed from, and the contract of service shall continue to endure as long and in like manner as if no such notice shall have been given, unless it shall have been otherwise expressly and specially agreed between the parties. Waiver.

Food and  
lodging.

15. In all contracts, whether oral or written, by which it is stipulated that the servant shall reside on the premises of his master, and wherein it shall not be expressly provided that the master is not to supply food and lodging, the master shall be deemed and taken to have engaged to provide such servant and such of his family, if any, as shall have been included in the contract, in manner hereinafter mentioned in section *eighteen* of this chapter, with lodging and sufficient food of good and wholesome quality during the continuance of the contract.

Landdrost's  
discretion as to  
rate of wages.

16. In case of any action for non-payment of wages due and payable by virtue of any contract of service being brought before any Landdrost or other competent Court by any servant, and when the rate of wages at which such contract was made shall not be proved to the satisfaction of such Landdrost or Court, such Landdrost or Court is hereby required to fix the rate of wages at that usually paid in the district or place in which the service for which the wages are claimed was performed, reference being had to the skill and ability of the servant, and to give decree accordingly.

Sickness.

17. When any servant shall, in consequence of any sickness or accident which shall not have been occasioned by his own fault, be rendered incapable of performing his master's service, he shall, in the absence of any special provision in the contract to the contrary, be entitled to receive his full wages for the first month of such incapacity, and every other benefit, privilege, or advantage, whether for himself or his family stipulated for in the contract of service during the whole period of such incapacity, unless the stipulated term of service shall sooner expire, or unless the period of such incapacity shall extend to a longer period than two months; in which latter case the master shall be entitled, if he so think fit, at the expiration of such two months, or at any time afterwards during which such incapacity shall uninterruptedly continue, to treat and consider the contract of service as rescinded and determined to all intents and purposes whatsoever, he, the said master, being however bound before being so entitled to consider the said contract as determined, to make good all stipulations therein mentioned and agreed upon up to and for the day on which he shall declare his intention to treat and consider the said contract as rescinded, with, however, the limitation as to wages as hereinbefore provided. Provided, however, that if the master shall not think fit at or after the expiration of such two months as aforesaid, to treat the contract of service as determined and rescinded, but shall permit the servant to remain in his service, such servant shall not be entitled to claim any portion of the wages beyond wages for the first month as aforesaid, or any other benefit or advantage stipulated for in the contract of service, save and except such food and lodging for himself and family as by the contract of service the master had engaged or shall be deemed and taken to have engaged to provide him with, for any period subsequent to such two months during which such incapacity as aforesaid shall continue. And provided always that no servant hired by any contract expressly to perform service in any trade or handicraft shall be entitled to





shall, if the period of service contracted for should expire during the persistence of such commotion or invasion, notwithstanding such expiration, be bound to continue in the service of his employer on the terms of the contract under which he has been serving, until the cessation of such commotion or invasion, and until the services of the inhabitants of such district shall be dispensed with for the occasion: provided that if any such servant shall at any time be called out for military service, the master of such servant shall, during the absence of such servant on such duty, be bound to permit the family and property of such servant to remain upon his premises, and to provide for the same in the same manner as he would have been bound to do by the contract of service, if such servant had not proceeded to the performance of such duty.

### CHAPTER III.

#### *Apprenticeship of Children.*

Apprentice-  
ship.

1. No contract of apprenticeship shall be valid unless at the time of its being entered into it shall have been reduced into writing, and signed with the name, or, in the case of illiterate persons, with the mark, of the master and parent, or guardian, as the case may be, of the apprentice, and also of the apprentice, if of the full age of sixteen years.

Time limits.

2. No contract of apprenticeship by which any child under sixteen years if a female, and eighteen years if a male, may be apprenticed as an agricultural or domestic servant, shall be valid for any longer period than until such child shall have attained the full age of sixteen years if a female, and eighteen years if a male.

Children ap-  
prenticed till  
majority.

3. Children, not being in a state of destitution, above the age of ten and under the age of sixteen years, may be apprenticed by their fathers, or, in the case of fatherless children by their mothers, or in the case of orphans having guardians by their guardians, until they shall have attained their twenty-first year, or for any shorter period, and the provision for the maintenance of every such apprentice shall be made in the contract of apprenticeship: provided always that every contract of apprenticeship, whereby any child under the age of ten years not being in a state of destitution, shall be apprenticed, or attempted so to be, shall be null and void to all intents and purposes whatsoever, save and except a contract of apprenticeship executed by the parent or guardian and the master in the presence of a Landdrost, and attested by such Landdrost to be a contract which appears to him to be for the benefit of the child.

Trade  
apprentices.

4. Any minor of the age of sixteen years or upwards may, by his own consent, be apprenticed for any term not exceeding five years to any trade in the practice of which any peculiar art or skill is required, but not otherwise: Provided always that in the case of such minor or minors being females, they may, with such consent, be apprenticed to domestic service for any such period as last aforesaid.

5. The Landdrosts of the Province shall be, *ex-officio*, the guardians within their respective districts of all such minors as in the last preceding section mentioned, which minors have no parents or guardians within the Province, or none discoverable, and such Landdrosts may lawfully indenture such minors. *Ex-officio guardians.*

6. When any parent or parents shall abandon or desert, or by death shall leave in a state of destitution any child under the age of sixteen years, the person with whom such child shall have been so left, or by whom such child shall be found in such state of destitution, shall, with all convenient speed, give notice thereof to the nearest Fieldcornet, or directly to the Landdrost, in order that means may be taken for providing for the maintenance and education of such child by apprenticeship in manner hereinafter mentioned. And if any person shall be duly convicted by any Landdrost or other competent Court of detaining in his possession or employment any such destitute child as aforesaid for a longer period than one month without giving such notice, every such person shall forfeit and pay at a rate not exceeding twenty nor less than five shillings for each month that such child shall have been detained, and every such sum so forfeited shall be paid into the Public Treasury; and all reasonable expense incurred in giving such notice, and for the maintenance of such child until removed by the proper authority, shall be paid from the said Treasury. *Destitute children.*

7. The Fieldcornet or Landdrost shall, upon receiving such notice as aforesaid, cause the child to be removed to the residence of the Landdrost, and the said Landdrost shall, unless when it shall be made to appear to him that the child is actually not in a state of destitution, or is able to earn his own livelihood (in either of which events he shall decline to act in the case), cause such child to be lodged and provided for at the public cost until he shall have sufficiently ascertained by inquiry, which he is hereby required to cause to be made, whether such child shall have any relative fit, proper, and willing to maintain and take care of him, and if he shall discover any such relative or relatives, he shall apprentice such child either to the sole relative or to that one among the several relatives of whom it will appear most for the interests of such child to become the apprentice. And if no such fit and proper relative be found, he shall apprentice him as soon as a suitable opportunity can be found to some fit and proper person until he shall have attained his eighteenth year, or, in the case of females, until their sixteenth year, or for any shorter period that may be deemed advisable. And every such Landdrost shall give public notice in the *Government Gazette* of the name of every such apprentice, and of the person to whom he shall have been apprenticed. *Procedure re destitute child.*

8. Due provision for the maintenance, clothing and instruction of every destitute child so apprenticed shall be made in every such contract of apprenticeship, and suitable wages shall also be therein stipulated for, whenever such Landdrost or other officer shall deem the child's service in any part thereof will *Provision of contract in case of destitute child.*

be worth wages ; and in apprenticing every such child, either to a relative or stranger, it shall be the duty of such Landdrost or officer to make the best terms he can for such child.

9. All such contracts for the apprenticeship of destitute children as aforesaid shall be drawn up as nearly as possible in the following terms :

District of.....

Form of contract.

This contract of apprenticeship of A.B. (here insert the designation of A.B. as accurately as possible), a destitute child, witnesseth that C.D. (here describe C.D. as the Landdrost or as the officer specially appointed by the Administrator to attest such contracts of apprenticeship for the district, as the case may be), pursuant to Law No. . . in this case made and provided does by these presents apprentice the said A.B., aged . . . . . years or thereabouts, to E.F. (here insert the designation of E.F. as accurately as possible), with him to dwell and serve as an apprentice until (or for, as the case may be) . . . . . (here insert the age at which the apprenticeship is to determine, or the term for which it is to endure), during all which time the said apprentice shall faithfully and honestly serve and obey his master. And the said E.F., for himself, his heirs, and executors, does hereby covenant and agree with said C.D. for and on behalf of the said A.B., that he, the said E.F., shall teach and instruct, or cause to be taught and instructed, the said A.B. in the (here insert the particular trade or occupation) best manner that he can during the said term, and shall also duly provide, or cause due provision to be made for the education and religious instruction of the said A.B. to the best of his ability, and shall during the said term provide the said apprentice with suitable and sufficient food, washing, lodging and all other things necessary and fit for such apprentice, and shall also pay as wages to the said apprentice the sum of (here insert the terms at which the wages stipulated are to be payable). And also, the said E.F. shall not assign or transfer the said apprentice to any other person during the said term without the consent first had and obtained of the Landdrost or other proper officer having power and authority to give such consent.

In witness whereof we, the said C.D. and E.F., have set our hands at.....on this the . . . . . day of..... 18....

(Here insert the signatures or marks of the parties.)

In presence of.....(here shall be inserted the signatures of at least two witnesses who have witnessed the execution of the contract).

*En-officio*  
guardianship

10. In case the Landdrost or other proper officer by whom the contract for apprenticeship of any such destitute child as aforesaid shall have been entered into as aforesaid, shall by death or otherwise cease to act as such Landdrost or officer,

then, and in such case, all the provisions and covenants in such contract of apprenticeship contained shall endure in favour of the successor of such Landdrost or officer, duly appointed, and such successor shall or may sue upon and take all other benefit and advantage whatsoever of such provisions and covenants in like manner as if such successor had been himself the person by whom such contract as aforesaid was originally made.

11. Every such last-mentioned contract of apprenticeship shall be made and signed as aforesaid in three parts, one of which parts shall be given to the master and one to the apprentice, and the third shall be filed and registered in the office of the Landdrost by whom it is attested : or where it shall have been attested by any other officer specially appointed as aforesaid, an entry of it shall be made in a book to be kept by him for that purpose, and the said third part shall be transmitted by him to the Landdrost of the district in which the master by whom such contract has been made usually resides, to be filed and registered in his office.

Contracts in triplicate.

12. No master shall or may assign or transfer any apprentice having been apprenticed as aforesaid by any Landdrost or other proper officer without having first obtained thereto the written consent of the Landdrost or other proper officer of the district in which such master resides : and in case such apprentice shall be of the age of sixteen years and upwards, without consent of such apprentice himself.

Assignment of contract.

#### CHAPTER IV.

##### *Respecting the Effects of the Death, Insolvency and Change of Residence of the Master : and Other Circumstances Dissolving Contracts of Service without Notice.*

1. In the event of the death or insolvency of the master the contract of service shall, except as hereinafter excepted, cease and determine after one month from the date of such death or insolvency, in case the stipulated term of service shall not sooner expire : and up to the period of such determination of such contract such servant shall be entitled to claim his full wages and every other remuneration specified in such contract, and shall be bound, if required, to perform his services for the person legally representing the deceased or insolvent master.

Decease or insolvency of master.

2. In the event of the death or insolvency of the master of any apprentice, or in the event of the apprentice being prevented in the manner hereinafter in the *sixth* section of this Chapter particularly mentioned from performing his service or fulfilling his engagement at the place where the same ought to be performed or fulfilled, such death, insolvency or prevention shall be a complete discharge of the contract of apprenticeship, and if any sum shall have been really and *bona fide* paid by or on behalf of such apprentice as aforesaid, it shall be lawful for any Landdrost having jurisdiction or other competent Court upon proof of such payment to order in a summary manner any sum, which to the said Landdrost or Court shall seem reasonable, to be paid to or for the use of such apprentice as

aforesaid by any such master as aforesaid or his legal representative: regard being had, however, in estimating such sum to the amount of the sum originally paid by or on behalf of such apprentice and to the time during which such apprentice continued in the service of such master as aforesaid: provided always that such apprentice shall be entitled to his full wages or other remuneration which may have become due previous to such dissolution of the contract of apprenticeship.

Death or  
insolvency of  
master of  
(destitute)  
apprentice.

3. In the event of the death or insolvency of the master of any child, who having been in a state of destitution shall have been apprenticed by a Landdrost or other proper officer in the manner hereinbefore set forth, it shall be the duty of such Landdrost or other proper officer, in case such apprentice shall at the time of the death or insolvency of his former master be under the age of sixteen years and unable to support himself, to retake the charge and care of such child, and if it shall be deemed expedient to apprentice again the said child for any term within the limits prescribed by this Law for the duration of apprenticeship to such fit and proper person as such Landdrost or other proper officer and such child, if of the age of sixteen years or upwards, shall mutually approve of and agree upon: provided that when such child has not attained the said age of sixteen years his consent shall not be necessary in any case.

4. The wife of the deceased master of every servant or apprentice hired or contracted to perform service as a domestic or agricultural servant is entitled, if she shall so think fit, to claim the service of such servant or apprentice during the full period of the stipulated term of service, provided she shall consent to perform and shall perform all the stipulations of the contract in favour of the servant or apprentice which the master was bound to perform.

Death of  
servant, &c.

5. In any event of a servant or apprentice dying during the currency of the stipulated term of service, his heirs, executors, or other legal representatives are entitled to claim from the master the full wages and other remuneration due to such servant or apprentice for the period which he had served previously to his death, and no more.

Change of  
residence.

\* 6. No servant or apprentice (save as hereafter provided as to persons apprenticed as destitute children), hired or contracted to perform service at the residence of or at any particular place of trade or business occupied by his master is, in the event of his master's removing his residence or place of trade or business out of the town, or (where such place is not in any town), from the place in which by the contract such servant or apprentice was bound to perform his service to any greater distance than two miles from such town or place where, by the stipulations of the contract, such servant or apprentice is not bound to reside in the house or on the premises of his master, or out of the district of such town or place where such servant or apprentice is bound to reside in the house or on the premises of his master, bound to perform his service at the place to which his master shall have removed his residence or place of trade or business, without the consent of such servant, or of the parents or guardians of such apprentice; but such consent

shall in all cases be deemed and taken to have been given whenever it shall have been proved that such servant or apprentice, being one not bound to reside in the house or on the premises of his master, has performed, or in the case of an apprentice being knowingly permitted and allowed by his parent or guardian to perform at the new residence or place of trade or business of his master, any service to his master of any kind which he was bound by the contract to perform, or being one bound to reside in his master's house or premises, has gone to and remained, and in the case of an apprentice been permitted and allowed by his parent or guardian to go to and remain in such house or on such premises for one week after his master's removal thereto.

7. The master of any apprentice, who has been apprenticed to him in manner hereinbefore provided as a destitute child, is entitled without limitation or restraint to remove such apprentice to and to exact the performance of the service stipulated in the contract wherever such master may have removed his residence or place of trade or business within this Province, upon giving notice of his intention of so doing before his departure to the Landdrost of the district which he is going to leave, and the Landdrost shall, upon receiving such notice, endorse the same upon the third part of the contract of apprenticeship registered and filed by him, and on such removal taking place forthwith transmit such third part to the Landdrost of the district to which such an apprentice shall be removed, to be by him duly registered and filed in manner hereinbefore provided.

Change of  
residence  
(*contd.*).

8. No servant or apprentice hired or contracted to perform domestic service may lawfully refuse to accompany his master, or any of his family by desire of his master, on any journey within this Province, or in the course of such journey to perform every such service as by reason of his contract of service or apprenticeship he would be bound to perform in his master's house or on his premises, and no servant or apprentice may lawfully refuse to go on any journey within this Province on which his master shall order him to go, or in charge of or to drive, herd, tend, or take care of any carriage, horse, or any kind of cattle, the property or in the lawful possession of, or under the lawful control of his master, which such servant or apprentice would by reason of his contract of service or apprenticeship be bound to ride, drive, herd, tend, or take care of or charge of at his master's residence or on his premises, provided always that there shall be reasonable ground for believing that such journey may and will be performed before the expiration of the stipulated term of service of such servant or apprentice, and that such master shall be bound to provide such servant or apprentice with food and every other thing which may be necessary and proper to enable such servant or apprentice to perform such journey and to return to the residence or premises of his master before the expiration of the term of service.

Journeys.

9. No servant or apprentice shall be bound to accompany his master or to go out of this Province, without the special agreement or consent of such servant, or of the parent or

Servant not  
compelled  
leave  
Province.

guardian of such apprentice, or when such apprentice is of the full age of sixteen years without also the consent of such apprentice.

Where contract terminated by change of residence.

10. When any servant not being bound or obliged to accompany his master, or to go to any place to which the master shall remove his residence or place of trade or business, or to which the master shall order such servant to go, shall decline or refuse so to do, the contract of service shall, from the date on which the servant shall be prevented from performing his stipulated service at the place where the same was to have been performed stand dissolved, and such servant shall be entitled to claim from the master such wages or other remuneration at the rate specified in the contract of service as shall have been earned up to the time of the refusal before mentioned, together with wages and remuneration after the rate aforesaid for the period of one month additional, or until the expiration of the contract of service in case it shall expire within one month of the time of such refusal: provided always that when notice of his intention to remove as aforesaid, or to send such servant as aforesaid, shall have been given by such master, such additional wages and remuneration shall not in any case be due or payable for any period longer than one month from the date of such notice.

Special conditions as to change of residence.

11. Nothing herein contained shall annul or affect any special agreement or stipulation made in any contract of service or apprenticeship whereby the servant or apprentice shall be bound to accompany his master or to go to any place to which the master shall remove his residence, or place of trade or business, or order such servant or apprentice to go and there perform the service stipulated in such contract.

Marriage of male servant, &c.

12. When any female servant or apprentice shall be lawfully married during the currency of her stipulated term of service, her husband may at any time subsequent to such marriage dissolve the contract of service or apprenticeship, and remove his wife from her master's service, if he shall think fit to do so, and shall be entitled to claim the wages and other remuneration which may have become due to her for services previous to such removal, but shall be liable to her master for all damage which her master may sustain by such removal. But such damage shall in no case exceed the amount of the wages which she would have earned between the time of her marriage and the time of the expiration of her service had she continued in such service until such expiration.

13. The master of any female servant or apprentice who during the currency of her stipulated term of service shall marry, or enter into any state which in this Province is or shall be reputed to be the marriage state, shall, where such servant or apprentice is by her contract of service or apprenticeship bound to reside or to perform domestic service in the house or on the premises of her master, be entitled at any time subsequent to such marriage, or reputed marriage, to dissolve such contract and dismiss such servant or apprentice, and when such servant or apprentice is not by such contract bound to reside or to perform domestic service in the house or on the premises of her master, he shall be entitled to dissolve such contract and dismiss

such servant or apprentice from his service whenever she shall, by reason of her pregnancy or delivery of a child become disabled from performing the service which by such contract she is bound to perform, but any such servant or apprentice so dismissed on account of her marriage or entering into a state so reputed, as aforesaid, to be the marriage state, or of pregnancy or delivery of a child, shall be entitled to claim from her master the wages and every other remuneration which shall have become due to her for her services previously to the date of such dismissal; and the master before being entitled to dismiss such servant or apprentice shall be bound to pay and satisfy the same.

## CHAPTER V.

### *Of the Jurisdiction of the Landdrosts in Cases between Masters and Servants and Apprentices.*

1. The Landdrosts within this Province shall have jurisdiction in all cases arising in their respective jurisdictions between masters and their servants and apprentices, and with reference to their relative rights and duties, or to any matter or thing or offence as to which provision is made by this Law. Jurisdiction

2. Every Landdrost has jurisdiction in any such case as aforesaid, brought before him against any person being at the time within his district, whether the grounds of such case arose within his district or not, or whether the person against whom the case is brought has his usual residence or place of abode in that district or not; but the Landdrost shall, whenever it shall appear to him that any such case can be more conveniently tried or determined by the Landdrost of any other district, dismiss such case, and in the event of his doing so, when the servant or apprentice is accused of desertion, and when he shall have probable cause shown to him by oath or affidavit of any credible person for believing this to be a fact, such Landdrost may, if he think fit, issue a warrant for the conveyance under sure custody of such servant or apprentice to the town or place where the Court of such other Landdrost is held: provided the master shall undertake to pay the expense of such conveyance, and the Landdrost, by whom the cause shall be ultimately tried, shall adjudge by which of the parties the said expenses shall be paid.

3. Any servant or apprentice may be fined any sum not exceeding one pound sterling, and in default of payment of the same may be imprisoned, with or without hard labour, for any period not exceeding one month, in case he shall be convicted of any of the following acts or instances of misconduct, that is to say:— Penalties,  
Class I.

1. If he shall, after having entered into a contract, fail or refuse, without lawful cause, to commence the service at the stipulated time.



Food and  
lodging.

15. In all contracts, whether oral or written, by which it is stipulated that the servant shall reside on the premises of his master, and wherein it shall not be expressly provided that the master is not to supply food and lodging, the master shall be deemed and taken to have engaged to provide such servant and such of his family, if any, as shall have been included in the contract, in manner hereinafter mentioned in section *eighteen* of this chapter, with lodging and sufficient food of good and wholesome quality during the continuance of the contract.

Landdrost's  
discretion as to  
rate of wages.

16. In case of any action for non-payment of wages due and payable by virtue of any contract of service being brought before any Landdrost or other competent Court by any servant, and when the rate of wages at which such contract was made shall not be proved to the satisfaction of such Landdrost or Court, such Landdrost or Court is hereby required to fix the rate of wages at that usually paid in the district or place in which the service for which the wages are claimed was performed, reference being had to the skill and ability of the servant, and to give decree accordingly.

Sickness.

17. When any servant shall, in consequence of any sickness or accident which shall not have been occasioned by his own fault, be rendered incapable of performing his master's service, he shall, in the absence of any special provision in the contract to the contrary, be entitled to receive his full wages for the first month of such incapacity, and every other benefit, privilege, or advantage, whether for himself or his family stipulated for in the contract of service during the whole period of such incapacity, unless the stipulated term of service shall sooner expire, or unless the period of such incapacity shall extend to a longer period than two months; in which latter case the master shall be entitled, if he so think fit, at the expiration of such two months, or at any time afterwards during which such incapacity shall uninterruptedly continue, to treat and consider the contract of service as rescinded and determined to all intents and purposes whatsoever, he, the said master, being however bound before being so entitled to consider the said contract as determined, to make good all stipulations therein mentioned and agreed upon up to and for the day on which he shall declare his intention to treat and consider the said contract as rescinded, with, however, the limitation as to wages as hereinbefore provided. Provided, however, that if the master shall not think fit at or after the expiration of such two months as aforesaid, to treat the contract of service as determined and rescinded, but shall permit the servant to remain in his service, such servant shall not be entitled to claim any portion of the wages beyond wages for the first month as aforesaid, or any other benefit or advantage stipulated for in the contract of service, save and except such food and lodging for himself and family as by the contract of service the master had engaged or shall be deemed and taken to have engaged to provide him with, for any period subsequent to such two months during which such incapacity as aforesaid shall continue. And provided always that no servant hired by any contract expressly to perform service in any trade or handicraft shall be entitled to

receive the wages or any other benefit or advantage stipulated in the contract of service for any part of the time during which he shall have been rendered incapable of performing his master's work by any such sickness or accident as aforesaid, save and except such food and lodging for himself and family as by the contract of service his master has engaged to provide him with, such food and lodging to be provided during such incapacity as aforesaid, unless the contract of service shall sooner expire, or unless such incapacity shall extend to a period longer than one month, in which case the master shall be entitled, if he shall so think fit, under the same powers and conditions in every respect as in this section before set forth, to treat and consider such last-mentioned contract of service as absolutely and to all intents and purposes determined and rescinded.

18. All contracts of service stipulating for the services of the wife of any servant, together with those of her husband, shall be made and executed by her in like manner as the same shall be made and executed by her said husband. And it shall be lawful for the father, or in the event of his death or absence then for the mother, of any child under the age of sixteen years to contract for the service of such child, together with his own in like manner as such person may contract for his own services; and when such contract shall be in writing, the name and age of every such child shall be clearly set forth and specified in such contract: provided always that nothing herein contained shall give to the master of any such parent any claim on the services of any such child beyond the period for which the parent shall be engaged, nor beyond the period when such child shall attain the age of sixteen; nor to the services of any other child of the contracting parent, whether under colour of such last mentioned child having been fed or clothed by the master, or having been born while the parent of such child was in the said master's service or under any other pretence whatsoever.

Servant's wife  
and children.

19. On the death of any person being at the time together with his wife and any child under contract as aforesaid, the said contract shall become null and void, in respect to such wife and children, at the expiration of one month after the death of such person.

Death of  
servant.

20. It shall not be lawful for any person entering into any contract of service, by which it is stipulated that the servant shall reside on the premises of the master, to keep his wife and children on the premises of his master, unless when the master shall also have stipulated in such contract that this shall and may be done: provided that when the master shall have so stipulated, it shall not be lawful for him to claim the services of any such wife and child, by reason merely of their residence on his premises.

Wife and  
children of  
servant.

21. When in times of public commotion or invasion of the Province, the Administrator shall deem it expedient to call out for service any portion of the inhabitants of any district of the Province, every person under contract of service under this Law as an agricultural labourer or herdsman for any period not less than one month to any master residing in such district,

Duties in war-  
time, &c.

shall, if the period of service contracted for should expire during the persistence of such commotion or invasion, notwithstanding such expiration, be bound to continue in the service of his employer on the terms of the contract under which he has been serving, until the cessation of such commotion or invasion, and until the services of the inhabitants of such district shall be dispensed with for the occasion: provided that if any such servant shall at any time be called out for military service, the master of such servant shall, during the absence of such servant on such duty, be bound to permit the family and property of such servant to remain upon his premises, and to provide for the same in the same manner as he would have been bound to do by the contract of service, if such servant had not proceeded to the performance of such duty.

### CHAPTER III.

#### *Apprenticeship of Children.*

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|---|---|
| Apprentice-<br>ship.                        | 1. No contract of apprenticeship shall be valid unless at the time of its being entered into it shall have been reduced into writing, and signed with the name, or, in the case of illiterate persons, with the mark, of the master and parent, or guardian, as the case may be, of the apprentice, and also of the apprentice, if of the full age of sixteen years.  |
| Time limits.                                | 2. No contract of apprenticeship by which any child under sixteen years if a female, and eighteen years if a male, may be apprenticed as an agricultural or domestic servant, shall be valid for any longer period than until such child shall have attained the full age of sixteen years if a female, and eighteen years if a male.   |
| Children ap-<br>prenticed till<br>majority. | 3. Children, not being in a state of destitution, above the age of ten and under the age of sixteen years, may be apprenticed by their fathers, or, in the case of fatherless children by their mothers, or in the case of orphans having guardians by their guardians, until they shall have attained their twenty-first year, or for any shorter period, and the provision for the maintenance of every such apprentice shall be made in the contract of apprenticeship: provided always that every contract of apprenticeship, whereby any child under the age of ten years not being in a state of destitution, shall be apprenticed, or attempted so to be, shall be null and void to all intents and purposes whatsoever, save and except a contract of apprenticeship executed by the parent or guardian and the master in the presence of a Landdrost, and attested by such Landdrost to be a contract which appears to him to be for the benefit of the child. |
| Trade<br>apprentices.                       | 4. Any minor of the age of sixteen years or upwards may, by his own consent, be apprenticed for any term not exceeding five years to any trade in the practice of which any peculiar art or skill is required, but not otherwise: Provided always that in the case of such minor or minors being females, they may, with such consent, be apprenticed to domestic service for any such period as last aforesaid.  |

5. The Landdrosts of the Province shall be, *ex-officio*, the guardians within their respective districts of all such minors as in the last preceding section mentioned, which minors have no parents or guardians within the Province, or none discoverable, and such Landdrosts may lawfully indenture such minors. *Ex-officio guardians.*

6. When any parent or parents shall abandon or desert, or by death shall leave in a state of destitution any child under the age of sixteen years, the person with whom such child shall have been so left, or by whom such child shall be found in such state of destitution, shall, with all convenient speed, give notice thereof to the nearest Fieldcornet, or directly to the Landdrost, in order that means may be taken for providing for the maintenance and education of such child by apprenticeship in manner hereinafter mentioned. And if any person shall be duly convicted by any Landdrost or other competent Court of detaining in his possession or employment any such destitute child as aforesaid for a longer period than one month without giving such notice, every such person shall forfeit and pay at a rate not exceeding twenty nor less than five shillings for each month that such child shall have been detained, and every such sum so forfeited shall be paid into the Public Treasury; and all reasonable expense incurred in giving such notice, and for the maintenance of such child until removed by the proper authority, shall be paid from the said Treasury. *Destitute children.*

7. The Fieldcornet or Landdrost shall, upon receiving such notice as aforesaid, cause the child to be removed to the residence of the Landdrost, and the said Landdrost shall, unless when it shall be made to appear to him that the child is actually not in a state of destitution, or is able to earn his own livelihood (in either of which events he shall decline to act in the case), cause such child to be lodged and provided for at the public cost until he shall have sufficiently ascertained by inquiry, which he is hereby required to cause to be made, whether such child shall have any relative fit, proper, and willing to maintain and take care of him, and if he shall discover any such relative or relatives, he shall apprentice such child either to the sole relative or to that one among the several relatives of whom it will appear most for the interests of such child to become the apprentice. And if no such fit and proper relative be found, he shall apprentice him as soon as a suitable opportunity can be found to some fit and proper person until he shall have attained his eighteenth year, or, in the case of females, until their sixteenth year, or for any shorter period that may be deemed advisable. And every such Landdrost shall give public notice in the *Government Gazette* of the name of every such apprentice, and of the person to whom he shall have been apprenticed. *Procedure re destitute child.*

8. Due provision for the maintenance, clothing and instruction of every destitute child so apprenticed shall be made in every such contract of apprenticeship, and suitable wages shall also be therein stipulated for, whenever such Landdrost or other officer shall deem the child's service in any part thereof will *Provision of contract in case of destitute child.*

be worth wages; and in apprenticing every such child, either to a relative or stranger, it shall be the duty of such Landdrost or officer to make the best terms he can for such child.

9. All such contracts for the apprenticeship of destitute children as aforesaid shall be drawn up as nearly as possible in the following terms:

District of.....

Form of contract.

This contract of apprenticeship of A.B. (here insert the designation of A.B. as accurately as possible), a destitute child, witnesseth that C.D. (here describe C.D. as the Landdrost or as the officer specially appointed by the Administrator to attest such contracts of apprenticeship for the district, as the case may be), pursuant to Law No. .. in this case made and provided does by these presents apprentice the said A.B., aged ..... years or thereabouts, to E.F. (here insert the designation of E.F. as accurately as possible), with him to dwell and serve as an apprentice until (or for, as the case may be) ..... (here insert the age at which the apprenticeship is to determine, or the term for which it is to endure), during all which time the said apprentice shall faithfully and honestly serve and obey his master. And the said E.F., for himself, his heirs, and executors, does hereby covenant and agree with said C.D. for and on behalf of the said A.B., that he, the said E.F., shall teach and instruct, or cause to be taught and instructed, the said A.B. in the (here insert the particular trade or occupation) best manner that he can during the said term, and shall also duly provide, or cause due provision to be made for the education and religious instruction of the said A.B. to the best of his ability, and shall during the said term provide the said apprentice with suitable and sufficient food, washing, lodging and all other things necessary and fit for such apprentice, and shall also pay as wages to the said apprentice the sum of (here insert the terms at which the wages stipulated are to be payable). And also, the said E.F. shall not assign or transfer the said apprentice to any other person during the said term without the consent first had and obtained of the Landdrost or other proper officer having power and authority to give such consent.

In witness whereof we, the said C.D. and E.F., have set our hands at.....on this the..... day of..... 18....

(Here insert the signatures or marks of the parties.)

In presence of.....(here shall be inserted the signatures of at least two witnesses who have witnessed the execution of the contract).

*En-officio*  
guardianship

10. In case the Landdrost or other proper officer by whom the contract for apprenticeship of any such destitute child as aforesaid shall have been entered into as aforesaid, shall by death or otherwise cease to act as such Landdrost or officer,

then, and in such case, all the provisions and covenants in such contract of apprenticeship contained shall endure in favour of the successor of such Landdrost or officer, duly appointed, and such successor shall or may sue upon and take all other benefit and advantage whatsoever of such provisions and covenants in like manner as if such successor had been himself the person by whom such contract as aforesaid was originally made.

11. Every such last-mentioned contract of apprenticeship shall be made and signed as aforesaid in three parts, one of which parts shall be given to the master and one to the apprentice, and the third shall be filed and registered in the office of the Landdrost by whom it is attested : or where it shall have been attested by any other officer specially appointed as aforesaid, an entry of it shall be made in a book to be kept by him for that purpose, and the said third part shall be transmitted by him to the Landdrost of the district in which the master by whom such contract has been made usually resides, to be filed and registered in his office.

Contracts in triplicate.

12. No master shall or may assign or transfer any apprentice having been apprenticed as aforesaid by any Landdrost or other proper officer without having first obtained thereto the written consent of the Landdrost or other proper officer of the district in which such master resides : and in case such apprentice shall be of the age of sixteen years and upwards, without consent of such apprentice himself.

Assignment of contract.

#### CHAPTER IV.

##### *Respecting the Effects of the Death, Insolvency and Change of Residence of the Master : and Other Circumstances Dissolving Contracts of Service without Notice.*

1. In the event of the death or insolvency of the master the contract of service shall, except as hereinafter excepted, cease and determine after one month from the date of such death or insolvency, in case the stipulated term of service shall not sooner expire : and up to the period of such determination of such contract such servant shall be entitled to claim his full wages and every other remuneration specified in such contract, and shall be bound, if required, to perform his services for the person legally representing the deceased or insolvent master.

Decease or insolvency of master.

2. In the event of the death or insolvency of the master of any apprentice, or in the event of the apprentice being prevented in the manner hereinafter in the *sixth* section of this Chapter particularly mentioned from performing his service or fulfilling his engagement at the place where the same ought to be performed or fulfilled, such death, insolvency or prevention shall be a complete discharge of the contract of apprenticeship, and if any sum shall have been really and *bona fide* paid by or on behalf of such apprentice as aforesaid, it shall be lawful for any Landdrost having jurisdiction or other competent Court upon proof of such payment to order in a summary manner any sum, which to the said Landdrost or Court shall seem reasonable, to be paid to or for the use of such apprentice as

aforesaid by any such master as aforesaid or his legal representative: regard being had, however, in estimating such sum to the amount of the sum originally paid by or on behalf of such apprentice and to the time during which such apprentice continued in the service of such master as aforesaid: provided always that such apprentice shall be entitled to his full wages or other remuneration which may have become due previous to such dissolution of the contract of apprenticeship.

Death or  
insolvency  
of  
master of  
(destitute)  
apprentice.

3. In the event of the death or insolvency of the master of any child, who having been in a state of destitution shall have been apprenticed by a Landdrost or other proper officer in the manner hereinbefore set forth, it shall be the duty of such Landdrost or other proper officer, in case such apprentice shall at the time of the death or insolvency of his former master be under the age of sixteen years and unable to support himself, to retake the charge and care of such child, and if it shall be deemed expedient to apprentice again the said child for any term within the limits prescribed by this Law for the duration of apprenticeship to such fit and proper person as such Landdrost or other proper officer and such child, if of the age of sixteen years or upwards, shall mutually approve of and agree upon: provided that when such child has not attained the said age of sixteen years his consent shall not be necessary in any case.

4. The wife of the deceased master of every servant or apprentice hired or contracted to perform service as a domestic or agricultural servant is entitled, if she shall so think fit, to claim the service of such servant or apprentice during the full period of the stipulated term of service, provided she shall consent to perform and shall perform all the stipulations of the contract in favour of the servant or apprentice which the master was bound to perform.

Death of  
servant, &c.

5. In any event of a servant or apprentice dying during the currency of the stipulated term of service, his heirs, executors, or other legal representatives are entitled to claim from the master the full wages and other remuneration due to such servant or apprentice for the period which he had served previously to his death, and no more.

Change of  
residence.

6. No servant or apprentice (save as hereafter provided as to persons apprenticed as destitute children), hired or contracted to perform service at the residence of or at any particular place of trade or business occupied by his master is, in the event of his master's removing his residence or place of trade or business out of the town, or (where such place is not in any town), from the place in which by the contract such servant or apprentice was bound to perform his service to any greater distance than two miles from such town or place where, by the stipulations of the contract, such servant or apprentice is not bound to reside in the house or on the premises of his master, or out of the district of such town or place where such servant or apprentice is bound to reside in the house or on the premises of his master, bound to perform his service at the place to which his master shall have removed his residence or place of trade or business, without the consent of such servant, or of the parents or guardians of such apprentice; but such consent

shall in all cases be deemed and taken to have been given whenever it shall have been proved that such servant or apprentice, being one not bound to reside in the house or on the premises of his master, has performed, or in the case of an apprentice being knowingly permitted and allowed by his parent or guardian to perform at the new residence or place of trade or business of his master, any service to his master of any kind which he was bound by the contract to perform, or being one bound to reside in his master's house or premises, has gone to and remained, and in the case of an apprentice been permitted and allowed by his parent or guardian to go to and remain in such house or on such premises for one week after his master's removal thereto.

7. The master of any apprentice, who has been apprenticed to him in manner hereinbefore provided as a destitute child, is entitled without limitation or restraint to remove such apprentice to and to exact the performance of the service stipulated in the contract wherever such master may have removed his residence or place of trade or business within this Province, upon giving notice of his intention of so doing before his departure to the Landdrost of the district which he is going to leave, and the Landdrost shall, upon receiving such notice, endorse the same upon the third part of the contract of apprenticeship registered and filed by him, and on such removal taking place forthwith transmit such third part to the Landdrost of the district to which such an apprentice shall be removed, to be by him duly registered and filed in manner hereinbefore provided.

Change of  
residence  
(*contd.*).

8. No servant or apprentice hired or contracted to perform domestic service may lawfully refuse to accompany his master, or any of his family by desire of his master, on any journey within this Province, or in the course of such journey to perform every such service as by reason of his contract of service or apprenticeship he would be bound to perform in his master's house or on his premises, and no servant or apprentice may lawfully refuse to go on any journey within this Province on which his master shall order him to go, or in charge of or to drive, herd, tend, or take care of any carriage, horse, or any kind of cattle, the property or in the lawful possession of, or under the lawful control of his master, which such servant or apprentice would by reason of his contract of service or apprenticeship be bound to ride, drive, herd, tend, or take care of or charge of at his master's residence or on his premises, provided always that there shall be reasonable ground for believing that such journey may and will be performed before the expiration of the stipulated term of service of such servant or apprentice, and that such master shall be bound to provide such servant or apprentice with food and every other thing which may be necessary and proper to enable such servant or apprentice to perform such journey and to return to the residence or premises of his master before the expiration of the term of service.

Journeys.

9. No servant or apprentice shall be bound to accompany his master or to go out of this Province, without the special agreement or consent of such servant, or of the parent or

Servant not  
compelled to  
leave  
Province.



guardian of such apprentice, or when such apprentice is of the full age of sixteen years without also the consent of such apprentice.

Where contract terminated by change of residence.

10. When any servant not being bound or obliged to accompany his master, or to go to any place to which the master shall remove his residence or place of trade or business, or to which the master shall order such servant to go, shall decline or refuse so to do, the contract of service shall, from the date on which the servant shall be prevented from performing his stipulated service at the place where the same was to have been performed stand dissolved, and such servant shall be entitled to claim from the master such wages or other remuneration at the rate specified in the contract of service as shall have been earned up to the time of the refusal before mentioned, together with wages and remuneration after the rate aforesaid for the period of one month additional, or until the expiration of the contract of service in case it shall expire within one month of the time of such refusal: provided always that when notice of his intention to remove as aforesaid, or to send such servant as aforesaid, shall have been given by such master, such additional wages and remuneration shall not in any case be due or payable for any period longer than one month from the date of such notice.

Special conditions as to change of residence.

11. Nothing herein contained shall annul or affect any special agreement or stipulation made in any contract of service or apprenticeship whereby the servant or apprentice shall be bound to accompany his master or to go to any place to which the master shall remove his residence, or place of trade or business, or order such servant or apprentice to go and there perform the service stipulated in such contract.

Marriage of male servant, &c.

12. When any female servant or apprentice shall be lawfully married during the currency of her stipulated term of service, her husband may at any time subsequent to such marriage dissolve the contract of service or apprenticeship, and remove his wife from her master's service, if he shall think fit to do so, and shall be entitled to claim the wages and other remuneration which may have become due to her for services previous to such removal, but shall be liable to her master for all damage which her master may sustain by such removal. But such damage shall in no case exceed the amount of the wages which she would have earned between the time of her marriage and the time of the expiration of her service had she continued in such service until such expiration.

13. The master of any female servant or apprentice who during the currency of her stipulated term of service shall marry, or enter into any state which in this Province is or shall be reputed to be the marriage state, shall, where such servant or apprentice is by her contract of service or apprenticeship bound to reside or to perform domestic service in the house or on the premises of her master, be entitled at any time subsequent to such marriage, or reputed marriage, to dissolve such contract and dismiss such servant or apprentice, and when such servant or apprentice is not by such contract bound to reside or to perform domestic service in the house or on the premises of her master, he shall be entitled to dissolve such contract and dismiss

such servant or apprentice from his service whenever she shall, by reason of her pregnancy or delivery of a child become disabled from performing the service which by such contract she is bound to perform, but any such servant or apprentice so dismissed on account of her marriage or entering into a state so reputed, as aforesaid, to be the marriage state, or of pregnancy or delivery of a child, shall be entitled to claim from her master the wages and every other remuneration which shall have become due to her for her services previously to the date of such dismissal; and the master before being entitled to dismiss such servant or apprentice shall be bound to pay and satisfy the same.

## CHAPTER V.

### *Of the Jurisdiction of the Landdrosts in Cases between Masters and Servants and Apprentices.*

1. The Landdrosts within this Province shall have jurisdiction in all cases arising in their respective jurisdictions between masters and their servants and apprentices, and with reference to their relative rights and duties, or to any matter or thing or offence as to which provision is made by this Law. Jurisdiction

2. Every Landdrost has jurisdiction in any such case as aforesaid, brought before him against any person being at the time within his district, whether the grounds of such case arose within his district or not, or whether the person against whom the case is brought has his usual residence or place of abode in that district or not; but the Landdrost shall, whenever it shall appear to him that any such case can be more conveniently tried or determined by the Landdrost of any other district, dismiss such case, and in the event of his doing so, when the servant or apprentice is accused of desertion, and when he shall have probable cause shown to him by oath or affidavit of any credible person for believing this to be a fact, such Landdrost may, if he think fit, issue a warrant for the conveyance under sure custody of such servant or apprentice to the town or place where the Court of such other Landdrost is held: provided the master shall undertake to pay the expense of such conveyance, and the Landdrost, by whom the cause shall be ultimately tried, shall adjudge by which of the parties the said expenses shall be paid.

3. Any servant or apprentice may be fined any sum not exceeding one pound sterling, and in default of payment of the same may be imprisoned, with or without hard labour, for any period not exceeding one month, in case he shall be convicted of any of the following acts or instances of misconduct, that is to say:— Penalties,  
Class I.

1. If he shall, after having entered into a contract, fail or refuse, without lawful cause, to commence the service at the stipulated time.

2. If he shall, without leave or other lawful cause, absent himself from his master's premises, or other place proper and appointed for the performance of his work.
  3. If he shall, during working hours, unfit himself for the proper performance of his work, by becoming or being intoxicated.
  4. If he shall neglect to perform any work it was his duty to have performed, or if he shall carelessly or improperly perform any work which, from its nature, it was his duty under his contract to have performed carefully and properly.
  5. If he shall without leave, and for his own purposes, make use of any horse, vehicle, or other property belonging to his master.
  6. If he shall refuse to obey any command of his master, or of any person lawfully placed by his master in authority over him, which command it was his duty to obey.
  7. If he shall make any brawl or disturbance in or at his master's dwelling-house, or on his master's farm, and after being, by his master or any other person placed by his master in authority over him, desired to desist, shall, notwithstanding, continue making such brawl or disturbance.
  8. If he shall use any abusive or insulting language to his master or to his master's wife, or to any person placed by his master in authority over him, calculated to provoke a breach of the peace.
4. In case of a second conviction under the last preceding section, or of more such convictions than a second, within the space of six months next after any former conviction, the offender may in regard to such second or any further conviction, be fined any sum not exceeding three pounds sterling, and in default of payment thereof may be imprisoned and kept at hard labour for any period not exceeding six weeks, and shall be liable during such imprisonment (or so much thereof as the convicting Landdrost shall adjudge) to be kept in solitary confinement, with or without spare diet, or on spare diet with or without solitary confinement, subject as hereafter is mentioned, and upon a conviction under the next ensuing section of this Law, followed within six months by conviction under the last preceding section, the offender shall be liable to the like punishment, as if both convictions had been had under the last preceding section.
5. Any servant or apprentice may be fined any sum not exceeding three pounds sterling, and in default of payment may be imprisoned with or without hard labour for any period not exceeding two months, or may be imprisoned without the infliction of any fine, at the discretion of the Landdrost, with or without hard labour, for any period not exceeding two months, and during such imprisonment as in this section is mentioned, may be kept in solitary confinement, with or without spare diet, or on spare

diet with or without solitary confinement, subject as hereafter is mentioned, in case he shall be convicted of any of the following acts or instances of misconduct, that is to say:—

1. If he shall by wilful breach of duty, or through drunkenness, do any act tending to the immediate loss, damage, or serious risk of any property placed by his master in his charge or placed by any other person in his charge for delivery to or on account of his master.
2. If he shall by wilful breach of duty, or by neglect of duty, or through drunkenness, refuse or omit to do any lawful act proper and requisite to be done by him for preserving in safety any property placed by his master in his charge, or placed by any other person in his charge for delivery to or on account of his master.
3. If, being employed as a herdsman, he shall fail to report to his master the death or loss of any animals placed in his charge, which he shall allege to have died or been lost, on the earliest opportunity of so doing after he shall have discovered, or in the course of duty was bound to have discovered such death or loss, or if he shall fail to preserve for his master's use or inspection any part or parts of any such animal as he shall allege to have died, which part or parts he shall by his master have been directed to preserve, unless such herdsman shall prove to the satisfaction of the Court the death of such animals, or if it shall be made by his master to appear that any such animal or animals alleged by him to have strayed away or otherwise become irrecoverably lost, could not, under the circumstances of the case, have become irrecoverably lost without his act or default.
4. If, being employed in any capacity other than that of a herdsman, he shall allege the loss of any property placed in his charge by or for his master, and it shall be made by his master to appear that the property in question could not have been lost without his act or default.
5. If he shall, without lawful cause, depart from his master's service with intent not to return thereto.
6. In case of a second conviction under the last preceding section, or of more such convictions than a second, within the space of six months next after any former conviction, the offender may, in regard to such second or any further conviction, be fined any sum not exceeding five pounds sterling, and in default of payment thereof, may be imprisoned and kept at hard labour for any period not exceeding three months, or may be imprisoned without the infliction of any fine, at the discretion of the Landdrost, with or without hard labour, for any period not exceeding three months, and shall be liable during such imprisonment as in this section is mentioned, or so much thereof as the convicting Landdrost shall adjudge, to be kept in solitary confinement, with or without spare diet, or on spare diet, with or without

solitary confinement, subject as hereafter mentioned : and upon conviction under the second section of this Law, followed within six months by a conviction, under the last preceding section, the offender shall be liable to the like punishment, as if both convictions had been had under the last preceding section.

7. No fine paid or period of imprisonment undergone, under this Law, by a servant or apprentice shall have the effect of cancelling the contract of service or apprenticeship.

alties,  
ss III.

8. Nothing in any of the preceding sections, from *second* to *sixth*, both inclusive, nor in section *nine*, shall extend or apply to servants or apprentices under the age of sixteen years, or to servants or apprentices other than those engaged in agriculture, or employed to work on farms : provided, however, that any servant or apprentice other than those engaged in agriculture or employed to work on farms as last mentioned, not being under sixteen years of age, may :—

1. If he shall, after having entered into a contract, fail or refuse without lawful cause to commence the service at the stipulated time.
2. If he shall, without leave or other lawful cause, absent himself from his master's premises, or other place proper and appointed for the performance of his work.
3. If he shall, during working hours, unfit himself for the proper performance of his work by becoming or being intoxicated.
4. If he shall neglect to perform any work which it was his duty to have performed, or if he shall carelessly or improperly perform any work which from its nature it was his duty, under his contract, to have performed carefully and properly.
5. If he shall, without leave, or for his own purposes, make use of any horse, vehicle, or other property belonging to his master.
6. If he shall refuse to obey any command of his master, or of any person lawfully placed by his master in authority over him, which command it was his duty to obey.
7. If he shall by wilful breach of duty, or by neglect of duty, or through drunkenness, do any act tending to the immediate loss, damage, or serious risk of any property placed by his master in his charge, or placed by any other person in his charge for delivery to or on account of his master.
8. If he shall by wilful breach of duty, or by neglect of duty, or through drunkenness refuse or omit to do any lawful act proper and requisite to be done by him for forwarding in safety any property placed by his master in his charge for delivery to or on account of his master.
9. If he shall use any abusive or insulting language to his master, or to his master's wife, or to any person placed by his master in authority over him, calculated

to provoke a breach of the peace, be fined any sum not exceeding two pounds sterling, and in default of payment be sentenced to be imprisoned, with or without hard labour, for any period not exceeding one month; but if it shall appear that such servant or apprentice is able to pay the damage caused by such act or default as in this section aforesaid, it shall be competent for the Landdrost, whether the master shall agree thereto or not, to proceed under section *fourteen* of this chapter.

9. If any servant or apprentice whose contract of service or apprenticeship still subsists shall, upon being discharged from prison, after undergoing imprisonment under this Law, refuse or neglect upon his master's request to resume his service under his contract, he shall be liable to be imprisoned, with or without hard labour, for any period not exceeding one month, and so on for successive periods, not any of them exceeding one month, until he shall consent to resume, and shall resume, his service under contract; and every such period of imprisonment, or so much thereof as the convicting Landdrost shall adjudge, may be with solitary confinement, with or without spare diet, or with spare diet, with or without solitary confinement, subject as hereafter is mentioned: provided, however, that no servant or apprentice shall under this Law be imprisoned continuously, and without any intermediate resumption of service under his contract, for longer than six months in all.

Resumption  
of service a  
punishment

10. When any period of imprisonment shall be undergone by any servant or apprentice for any offence under this Law, a like period shall be added to the term of service stipulated for in the contract of service or apprenticeship, as it subsisted when such imprisonment was commenced, so that such servant or apprentice shall be obliged to serve a further period equal to the period of his imprisonment, in addition to the term of service originally stipulated.

Term of im  
prisonment  
&c., added  
term of  
service.

11. When the offence of which any servant or apprentice shall be convicted under this Law shall be the offence of absenting himself from, or of departing from, the service of his master, then the period of his absence shall be added to the term of service originally stipulated in like manner as in the last preceding section directed in regard to the period of imprisonment therein mentioned: and it shall be the duty of the Landdrost convicting such servant or apprentice to ascertain at the trial the period of absence, and to certify the same by some writing under his hand to be delivered to the master, and the period mentioned in such writing shall by all Courts and in all places be deemed to be added to the original term of service.

12. As often as any property of the master shall be lost or damaged by means of any act or omission of his servant or apprentice, which act or omission is by this Law declared to be an offence, it shall be lawful for the Landdrost, should he so think fit, and the master shall thereto agree, to ascertain whether such servant or apprentice is able to make compensation for such loss or damage, and if so, to fix the amount of such compensation, and make such order as to payment thereof, either at once or by

Loss of mas  
ter's property  
&c.

instalments out of wages to be yet earned or otherwise, as shall seem reasonable and just, and in the meantime and until default made in such payment, or in the payment of some such instalment, to defer passing sentence upon the party offending; but such Landdrost shall preserve on record the evidence in the case, and upon application of the master and proof given upon oath of some such default as aforesaid, shall issue his warrant for the apprehension of such servant or apprentice, and shall pronounce upon him such sentence as, regard being had to the circumstances of the original offence and to the degree in which such servant or apprentice has made or failed to make the compensation ordered, shall appear equitable and just.

cancellation  
contract.

13. As often as the master of any servant or apprentice who shall be convicted of any offence under this Law shall desire the cancellation of the contract of service or apprenticeship, the Landdrost, should he so think fit, may order the cancellation of the same, and the same shall be cancelled accordingly: provided that such cancellation shall not prevent the execution of any sentence which the Landdrost may pronounce or may have pronounced upon the offender for his offence.

Landdrost's  
creation in  
contract.

14. As often as the master shall have caused any servant or apprentice to be brought before the Landdrost to answer any charge preferred against him by such master, and such master shall fail in obtaining the conviction of such servant or apprentice, then the Landdrost, should he so think fit, may at the desire of such servant or apprentice order the cancellation of the contract of service or apprenticeship, and the same shall be cancelled accordingly.

the limits  
complaints,

15. No servant or apprentice shall be convicted under any of the foregoing sections of this Law unless the master shall lodge his complaint within one month next after the day on which he became cognizant of the offence or alleged offence.

warning to  
appear in  
court.

16. In order to save time and expense, the master of any servant or apprentice alleging matter of complaint against such servant or apprentice, may warn and order such servant or apprentice to appear before the Landdrost of the district, on some day and hour to be named by such master, there to answer some certain charge, of the nature of which such complainant shall inform such defendant; and should the defendant fail to attend in pursuance of such warning, the Landdrost, upon the application of the complainant, and upon proof by affidavit that such defendant received such warning, and received the same a reasonable time before the time fixed for his appearance, and that, to the best of the deponent's knowledge and belief, such defendant has no lawful cause for not appearing, may issue his warrant for the apprehension of such defendant, in order to proceed to the trial of the complaint; and on such trial, and if the servant or apprentice shall be convicted of the offence with which he shall be charged, the Landdrost may (if he shall be satisfied that the defendant had no good and sufficient cause for failing to attend), in addition to the punishment to which the defendant may be sentenced, adjudge the said defendant to pay his master such reasonable costs and expenses, not being more than those allowed in criminal cases, to which his master

may have been put in consequence of the defendant having failed to attend as aforesaid: provided always that on issuing of such warrant as aforesaid, the defendant shall be warned by summons to answer the charges brought against him, and to show cause why he shall not be adjudged to pay such expenses as aforesaid, in consequence of his default in attendance.

17. Should any complainant, who shall have warned any such defendant as aforesaid to appear as aforesaid, himself fail to appear at the time fixed by him for the appearance of such defendant, then and there to prosecute his complaint, the Landdrost, upon proof by affidavit that such defendant was warned by such complainant to appear at the said time to answer a charge of a certain nature, shall, unless satisfied that such complainant had a good and sufficient reason for failing to appear at such time, ascertain the distance which such defendant shall have travelled and the distance which any person or persons shall have travelled whom such defendant may have brought with him as witnesses, and shall, upon being satisfied that such witnesses would or might have been necessary for his defence, make order in writing against such complainant for the payment of the expenses of such defendant and his witnesses, if any, at and after the same rate as if each of the said persons had been a witness summoned at the instance of the Public Prosecutor and attending to give evidence in the Court of such Landdrost upon a criminal case, and if such complainant shall, upon presentation to him of such order by the person or persons in whose favour the same shall have been made, refuse or neglect to comply therewith, he shall incur and be liable to a fine not exceeding five pounds sterling, and in default of payment of the same, to imprisonment, with or without hard labour, for any period not exceeding one month: provided that one such order may include the expenses of all or any of the persons whose expenses are to be paid, or separate orders may be delivered to one or more of such persons as may be most convenient.

Complainant  
not appearing.

18. Should any servant or apprentice, who shall have complained against his master, for or on account of any offence against any of the provisions of this Law, fail to appear at the time fixed by the Landdrost for the appearance of the defendant, then and there to prosecute his complaint, the Landdrost may, unless satisfied that such complainant had a good and sufficient reason for failing to appear at such time, ascertain, in the manner in the last preceding section mentioned, the expenses and costs which the defendant has reasonably incurred in appearing to answer such complaint, and he shall, in the manner in the last preceding section mentioned, order the payment by complainant of such costs and expenses; and if, on the presentation to him of the order therein mentioned, by the person in whose favour it is made, such complainant shall refuse or neglect to comply therewith, he shall incur and be liable to the same fine, and in default of payment thereof, to the same punishment as is fixed in the last preceding section: provided that one such order may include the expenses of all or any of the persons whose expenses are to be paid, or separate orders may be delivered to one or more of such persons as may be most convenient.



Servant leaving service to lodge complaint.

19. No servant or apprentice, who shall leave the place of his service for the purpose merely of lodging any complaint which he may have against his master after leave for that purpose shall have been unreasonably refused, shall by reason only of his so leaving be deemed to have deserted his master's service or to have in any wise contravened this Law.

Conviction under Art. 3 on charge under Art. 5, and *vice versa*

20. A servant or apprentice summoned to answer for an offence alleged in the summons to be in contravention of the third section of this Chapter, should the proof given in the case show that he is guilty of contravening not the *third*, but the *fifth* section of this Chapter, may be convicted and sentenced according to the evidence; and, in like manner, a servant or apprentice summoned to answer for an offence alleged in the summons to be in contravention of the *fifth* section aforesaid, should the proof given show that he is guilty of contravening not the *fifth*, but the said *third* section, may be convicted and sentenced according to the evidence: provided, however, that the punishment to be awarded upon a conviction in either of these cases shall not exceed the punishment provided by the said *third* section: provided, also, that the servant or apprentice shall have had in every case sufficient notice of the nature of the charge which he was called upon to answer.

Withholding wages.

21. As often as the master of any servant or apprentice shall be convicted of the offence of withholding the wages of such servant or apprentice without reasonable and probable cause for believing that the wages so withheld were not really due, he shall be fined any sum not exceeding five pounds sterling, and in default of payment shall be imprisoned for any period not exceeding one month; and the convicting Landdrost shall, besides passing the said sentence, give judgment for the amount of the wages so wrongfully withheld and for the costs of the proceedings, which costs shall, if not paid, be levied on the movable property of the master, under and by virtue of a warrant under the hand of the said Landdrost, together with the costs of such levy: provided, however, that when and as often as the Landdrost shall acquit the master of the aforesaid offence, but shall yet find that wages are due by such master to such servant or apprentice which have been retained by such master, it shall be lawful for such Landdrost, and he is hereby required forthwith to give judgment for the amount of wages which he shall find to be due to such servant and make such order as to the payment of costs, should he award any, by the master, as shall seem to such Landdrost to be in accordance with real and substantial justice.

Unlawful detention of servant's property.

22. As often as the master of any servant or apprentice shall be convicted of the offence of having, either before or after the expiration of the contract of service in apprenticeship, upon demand made, and without lawful cause, refused to deliver or permit to be taken away any of such servant's cattle, sheep, goats, or other animals lawfully remaining or being upon such master's lands, without reasonable and probable cause for believing that the animals in question were lawfully detained, such master shall be fined any sum not exceeding one pound sterling for every animal so unlawfully detained: provided, however,

that the total amount of the fine so payable shall not exceed the sum of five pounds sterling altogether, and in default of payment shall be imprisoned for any period not exceeding one month; and the convicting Landdrost shall, besides passing the said sentence, give judgment for the delivery of the said animals, and for costs, as in a civil action before the said Court, which costs, if not paid, shall be levied in the same manner as in the *twenty-first* section directed; but the fact that the contract of service or apprenticeship has not expired shall not be deemed or taken to be of itself reasonable or proper cause for such detention; provided, however, that nothing herein contained shall impair the effect of any express contract of a lawful kind, by force of which the master shall claim a right to detain any such animal as aforesaid.

23. As often as the master of any servant or apprentice shall be convicted of the offence of failing, upon demand, to supply or deliver to such servant or apprentice the food, bedding, or other articles stipulated for in any written contract of service or apprenticeship, or of supplying or delivering food, bedding, or other articles not conformable to the said contract, he shall be liable to be fined any sum not exceeding five pounds sterling, and in default of payment to imprisonment for any period not exceeding one month.

Master failing to supply food, &c.

24. As often as it shall be made to appear to the Landdrost, in any case instituted by any servant or apprentice against his master, that the master has not fairly and faithfully performed his part of the contract of apprenticeship, the Landdrost may, should he so think fit, and should the servant or apprentice so desire, order the cancellation of such contract of service or apprenticeship, and the same shall be cancelled accordingly.

Cancellation of contract.

25. As often as any master shall complain against his servant or apprentice, or any servant or apprentice shall complain against his master, for or on account of any offence against the provisions of this Law, the process of the Court of the Landdrost for compelling the attendance of the party accused, and of all necessary witnesses, shall be instituted at the public charge and without any fees of Court; provided always that, if at the trial the charge shall appear to have been brought without reasonable or probable cause, the party complaining shall be liable to a fine not exceeding five pounds, and also to defray the costs of the process and of the witnesses in the case; and in default of payment of such fine and costs, shall be liable to be imprisoned for any period not exceeding one month; provided, also, that such fine may be imposed on the occasion of the trial, and without any fresh action or proceeding for the recovery thereof.

Costs of witnesses, &c.

26. As often as any master shall be convicted of wrongfully and unlawfully assaulting his servant or apprentice, the convicting Landdrost may, should he so think fit, and should the servant or apprentice so desire, order the cancellation of the contract of service or apprenticeship, and the same shall be cancelled accordingly.

Wrongful assault by master.

27. If any child, under the age of sixteen years, shall be wrongfully detained, by any person, as a servant or inmate, the Landdrost of the district in which it shall be so detained

Wrongful detention of child.

shall have jurisdiction to order the restoration of such child to such of its parents as would under this Law be entitled to apprentice such child, if then about to be apprenticed : provided, however, that should it be made to appear upon the hearing of any such case that the person complained against originally obtained the child in a lawful manner, and when an infant, under the age of five years, and that the parent claiming the same has so acted, in reference to the said child, and to the person bringing it up, as to make it a breach of good faith, on the part of such parent, to seek to take it away, as he or she now seeks to do, and that from the character of the said parent, the purpose for which he or she appears to desire to obtain possession of the said child, or other circumstances, it will be for the benefit of the child to remain with the person with whom it is residing, rather than to be delivered to the parent applying, then the Landdrost shall refuse to order the delivery of the said child, leaving it to the parent applying for the same to take such other proceedings, if any, as he or she may be advised ; and such Landdrost may, in the meantime, authorise the person rearing up such child to retain possession thereof.

Attorney-General, if required, to act for servants on appeal.

28. In any case between a master and his servant or apprentice in which the Landdrost shall have given judgment in favour of such servant, or apprentice, and such master shall appeal from such judgment, or apply to have the same reviewed, it shall be the duty of the Attorney-General, in case such appeal or application shall be brought before the High Court (provided the Attorney-General shall be called so to do), to appear for and conduct the case of such servant or apprentice, free of all charge or expense whatever.

Apprehension of servant.

29. If the master of any servant or apprentice alleging matter of complaint against a servant or apprentice for any offence punishable under this Law, shall make deposition on oath before a Landdrost or Justice of the Peace that he believes (stating the grounds of his belief) that, in order to secure the appearance of such servant or apprentice before the Landdrost having jurisdiction to try the case, the apprehension of such servant or apprentice is necessary, it shall be lawful for such Landdrost or Justice of the Peace to issue his warrant for the apprehension of such servant or apprentice, without any previous warning or summons : provided, however, that if the master of any servant or apprentice shall make such deposition maliciously and without reasonable and probable grounds for believing the same to be true, such master shall be liable to be fined any sum not exceeding five pounds, and in default of payment thereof to be imprisoned for any period not exceeding one month.

Apprehension of servant on desertion.

30. If any servant or apprentice is charged under this Law with having, without lawful cause, departed from his master's service with intent not to return thereto, it shall be lawful for any Landdrost or Justice of the Peace to issue his warrant for the apprehension of such servant or apprentice, without any previous warning or summons.

Evidence.

31. On the trial of any case in any Court of Landdrost wherein any master, servant, or apprentice is charged with having contravened any of the provisions of this Law, such master,

servant, or apprentice, as the case may be, and his or her wife or husband, shall be competent, but not compellable, to give evidence on his or her own behalf, or on behalf of the complainant in the said case.

32. No master, servant, or apprentice charged with having contravened any of the provisions of this Law, and who is not, immediately before the hearing of such charge, in actual custody shall be compelled to enter the door or place usually assigned for prisoners under trial in the Court, or shall be otherwise treated as under arrest during the hearing of such charges : provided that if, in the opinion of the Landdrost before whom the charge is heard, it shall be necessary, in order to secure the attendance of such master, servant, or apprentice, that he shall be placed in custody, it shall be lawful for such Landdrost to cause such person to be arrested and detained in custody.

When master or servant not compelled to enter dock.

33. In case it may be necessary to prosecute or proceed against any person employed on any of the public works of the Province, for contravening any of the provisions of this Law, such prosecution or proceeding may be carried on by and in the name of any of the officers in charge of the work upon which such servant is employed at the time of such contravention.

Public works.

34. In regard to the infliction of spare diet and solitary confinement under this Law, the Landdrost shall observe and conform to such restrictions as shall have been, or shall from time to time be deemed necessary to prevent injurious consequences, and to be by the officer administering the Government issued for their guidance.

Spare diet.

## CHAPTER VI.

### *Respecting Characters given by Masters to Servants and Apprentices.*

1. No master is bound to give a character to any servant or apprentice who is or has been in his service or to assign any reason for refusing to give it.

Character.

2. Every master who shall knowingly have given any false character to any servant or apprentice is liable to make compensation for any loss or damages which any third party, who by reason of such character so given has been induced to take such servant or apprentice into his service, has sustained by the misconduct of such servant or apprentice in any respect, or with reference to any matter to which such character so given was false.

Giving false character.

3. Every person who, for the purpose of giving a character to any servant or apprentice, or other person intending to offer himself to be hired as a servant, shall forge a counterfeit and utter any certificate of character of such servant or apprentice's character, or shall falsely impersonate any other person, and as such either personally or by writing, give any false, forged, or counterfeit character or certificate of character of any such servant or apprentice, or other person offering or intending to

Forging certificate, &c.

offer to hire himself as a servant; and every person who shall offer to hire himself as a servant, asserting or pretending that he has served in any service in which he has not actually served, or with a false, forged, or counterfeit certificate of character, or shall in anywise add to or alter, by effacing or erasing, or inserting any word or date in any certificate given to him by his present or any former master, or by any other person duly authorised by such master to give the same, and shall use, or attempt to use, the same as an inducement to hire him, shall, on conviction thereof, incur and be liable to a fine not exceeding fifty pounds, nor less than ten pounds, or to be imprisoned, with or without hard labour, for any period not exceeding one year nor less than one month, or to both such fine and imprisonment.

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## CHAPTER VII.

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### *Respecting the Restraints of Masters, Servants, and Apprentices.*

Intimidation  
and threats,  
&c.

1. Any person who shall, by violence to the person or property, or by threats or intimidation, or by molesting or in any way obstructing another, force, or endeavour to force, any servant or apprentice to depart from his service or work, or to return his work to his master before the same shall be finished, or to prevent, or endeavour to prevent, any servant or other person not being hired or employed from hiring himself to or accepting service or work from any person, or force or induce, or endeavour to force or induce, any such servant or apprentice, or such other person, to belong to any club or association, or to contribute to any common funds, or shall use or employ violence to the property of another, or threats or intimidation, or shall molest or in any way obstruct another on account of his not belonging to any particular club or association, or not having contributed or having refused to contribute to any common fund, or pay any fine or penalty, or on account of his not having complied, or of his refusing to comply, with any rules, orders, resolutions, and regulations made to obtain an advance or to reduce the rate of wages, or lessen or alter the hours of working, or to decrease or alter the quantity of work, or to regulate the mode of carrying on any manufacture, trade, business, work, or labour, or the management thereof, or who by any such violence threats, intimidation, molestation, or obstruction, shall force or endeavour to force any manufacturer or person carrying on any trade, business, work, or labour, or engaged in agriculture, to make any alteration in his mode of regulating, managing, conducting, or carrying on the same, or to increase or limit the number of his apprentices or servants, shall, on conviction thereof before any Landdrost or other competent Court, be imprisoned, with or without hard labour, for any period not exceeding three months.

2. Any person who shall directly or indirectly, by the offer of higher wages or greater benefits, or otherwise induce any servant or apprentice to leave his service, shall, on conviction thereof before any Landdrost, incur or be liable to a fine not exceeding ten pounds sterling, and in default of payment to imprisonment, with or without hard labour, for any period not exceeding three months.

Inducing servant to leave another's service.

3. Provided always that nothing herein contained shall extend to subject to punishment any persons who shall meet together for the sole purpose of consulting upon and determining the rate of wages or price which the persons present at that meeting or any of them respectively shall require or demand for his or their service or work, or shall pay his or their servants or apprentices for their service or work, or who shall enter into any agreement, verbal or written, among themselves for the purpose of fixing the rate of wages or prices, which rate of wages or prices the persons entering into such agreement, or any of them, shall require or demand for his or their service or work, or pay to his or their servants or apprentices for their service or work, or of fixing the number of hours of work which he or they will work, or will require his or their servants or apprentices to work in any manufacture, trade, business, labour, or agriculture, and that no such persons so meeting together or entering into any such agreement as aforesaid shall be liable to any penalty or prosecution for so doing.

Lawful unions.

4. This Law may be cited and referred to for all purposes as "The Master and Servants Law, 1880."

Short title.

5. This Law shall commence and take effect from and after the date of the publication thereof in the *Transvaal Government Gazette*.

#### LAW No. 15, 1898.

151. A coloured person who has entered into a contract, whether verbally or in writing, to serve his master as domestic servant, or as a shop or warehouse servant, or to assist him in working a claim, machinery, or water furrow on any proclaimed field, and who leaves his master's service without permission, or who is neglectful, or refuses to do any work in discharge of his duty which can be asked and required of him according to law, or who uses threatening and insulting language towards his master, his master's wife, or any other person placed in lawful authority over him, shall be punished with a fine not exceeding the sum of £2, or with imprisonment with or without hard labour for a term not exceeding one month, or with lashes not exceeding twenty-five in number.

Penalty for coloured person misbehaving himself in service.













### **Miscellaneous.**

This Chapter includes certain restrictions and legislative provisions which have a special application to the native population, and which cannot conveniently be classified separately.

Briefly, these relate to :—

- (a) Assemblage and meeting.
- (b) Franchise.
- (c) Immorality.
- (d) Interference with native affairs.
- (e) Mining, and dealing in precious metals.
- (f) Railways.
- (g) Registration of births and deaths.
- (h) Reservation of Laws.
- (i) Vagrancy.
- (k) Witchcraft.
- (l) Woodcutting.

#### (a) ASSEMBLAGE AND MEETING.

The Government is not prepared to countenance or permit the assembly of native chiefs and people in public meetings at the instance of irresponsible individuals or bodies otherwise than with the previous approval and recognition of the Commissioner for Native Affairs.

LAW No. 6, 1894.

Whereas it is desirable to make legal provisions concerning the right of persons to assembly and meet.

Be it hereby enacted and provided as follows :—

1. The right of all inhabitants to assemble and meet is hereby recognised. Public right of assembly
2. The exercise of that right may be limited in the interests of public order.
3. Every assembly or meeting of persons contrary to the public order shall be prohibited. Prohibited assemblies.
4. Every assembly or meeting of persons shall be deemed contrary to public order the purpose of which is Ditto.
  - (a) Disobedience to or contravention of any law or legal enactment.
  - (b) The disturbance of any person whomsoever in the exercise of his rights.
  - (c) The use of means of compulsion and violence, whereby public peace and safety are or may be endangered, or whereby the authority of the appointed powers and officials is attacked.
  - (d) The commission of an offence against good morals.

No open air meetings without leave.	5. Public assemblies and meetings of persons for mutual deliberation; or the delivery of addresses of whatsoever kind, and processions of whatsoever nature and for whatsoever purposes, shall not be permitted in the open air, unless with consent of the Government, or local authority to be appointed by the Government, or unless held in pursuance of some legal enactment.
Police to have access to all meetings.	6. The local and detective police shall have free access to all assemblies and meetings in buildings to which the public are admitted. Refusal of access shall entitle the police to force an entrance. The Government shall also have the right to grant the police access to any meeting, if it be suspected that such meeting might tend to the detriment of the independence of the State.
Power to disperse meetings.	7. Every assembly or meeting of persons, by which public order is disturbed, or which is prohibited and not permitted, shall disperse immediately upon request of the police.
How to disperse meeting.	8. Should such assembly or meeting not immediately thereon disperse, the leader of the police shall by means of a drum or bugle call it to order, and then call out thrice in a loud voice, "Obedience to the law, disperse, otherwise force will be used," and thereafter the police shall have the right to disperse such assembly or meeting by force and violence, if need be by the use of arms.
Power to prohibit meetings.	9. The local authority shall be competent where public peace and safety are endangered, or it is expected that it will be endangered, to forbid the assembly in squares and streets of more than six persons together. Such prohibition shall be duly notified at public places and at the corners of the streets.
Penalties.	10. Any person participating in a prohibited assembly or meeting such as is mentioned in Art. 4 of this law shall be punished by imprisonment for a period not exceeding two years, with or without hard labour. Conveners or leaders of such prohibited assemblies or meetings shall be punished by imprisonment for a period not exceeding five years, with or without hard labour.
Ditto.	11. Contraventions of Art. 5 and Art. 9 shall be punished by a fine not exceeding £50 or, in default of payment, by imprisonment for a period not exceeding six months, with or without hard labour. Conveners or leaders of meetings or assemblies prohibited under Arts. 5 and 9 shall be punished by a fine not exceeding £500 or, in default of payment, by imprisonment for a period not exceeding two years, with or without hard labour.
What is deemed to be a meeting.	12. As soon as six or more persons collect at one place, it shall for the purposes of this law be assumed that an assembly or meeting of persons is taking place. Participants or conveners or leaders of assemblies or meetings prohibited by this law, who hold any license requisite for the exercise of any calling in this State, shall over and above the penalties mentioned in this law forfeit such license, and no longer be entitled to exercise their calling.
Operation.	13. This law shall come into operation immediately after publication in the <i>Staatscourant</i> .

## (b) FRANCHISE.

*Treaty of Vereeniging.*

Article 8 of the Terms of Accommodation signed by the British and Boer Generals at Vereeniging on the 31st May, 1902, is as follow :—

8. The question of granting the franchise to natives will not be decided until after the introduction of self-government.

*Letters Patent, 6th December, 1906.*

Paragraph IX. of the Letters Patent of the 6th December, 1906, providing for the Constitution of Responsible Government, prescribing the qualification of voters, restricts the parliamentary franchise to white male British Subjects.

*Municipalities Elections Ordinance.*

Section eleven of the Municipalities Elections Ordinance<sup>\*</sup> No. 38 of 1903, restricts the municipal franchise to \*white persons.

## (c) ORDINANCE No. 46, 1903.

## (IMMORALITY.)

19. (1) Any white woman who voluntarily permits any native to have unlawful carnal connection with her is liable to imprisonment with hard labour for five years.
- (2) Any native having or attempting to have unlawful connection with a white woman in circumstances which do not amount to rape is liable to imprisonment with hard labour for six years and to whipping not exceeding twenty-four strokes in addition to such imprisonment.
- (3) Any person who procures or attempts to procure any white woman for the purpose of having unlawful carnal connection with any native shall be liable to imprisonment with hard labour for ten years and when the offender is a male to whipping not exceeding twenty-four strokes in addition to such imprisonment.
- (4) The owner or occupier of any house or place who knowingly permits unlawful carnal connection in contravention of the provisions of this section to take place therein shall in addition to any other penalties imposed by this Ordinance be liable to imprisonment with hard labour for five years.
- (5) For the purposes of this section the expression "native" means a person manifestly belonging to any of the native or coloured races of Africa Asia America or St. Helena.

White woman having connection with natives.

<sup>\*</sup> The word "white" is substantially equivalent to "of European descent." In deciding whether an applicant is a white person, the Court will take into consideration, as an important element in the case, the personal appearance of the applicant. The apparent admixture of coloured blood would disqualify. *Vide Swarts and Appel vs. Pretoria Town Council, 1905, T.S. 621.*

(d) FIRST VOLKSRAAD RESOLUTION, ART. 1066,  
31st AUGUST, 1895.

(INTERFERENCE WITH NATIVE AFFAIRS.)

Art. 1066.—The First Volksraad, having considered Government Note B.B. 1369/95 with the accompanying draft proclamation, now on the order ;

Resolves : To approve said draft proclamation, and to declare it to have the force of law immediately after publication in the *Staatscourant*.

This Proclamation was dated 21st September, 1895, and was first published in the *Staatscourant* of the 25th September, 1895. It reads as follows :—

Supt. of  
Natives, Com-  
missioners, &c.  
only persons  
entitled to  
deal with  
natives.

Whereas it has happened and happens that various persons, without the authorisation or permission of this Government meddle with the affairs of the natives, and with the policy of this Government with regard to the natives both within and beyond the limits of this State.

Be it hereby enacted that the only persons who have power and authority to treat with the native tribes, their chiefs, and their captains, in the name of this State are :—The Superintendent of Natives, the Commissioners for Natives, and the Sub-Commissioners for Natives in the South African Republic.

And be it further made known that if any other person than the aforesaid officials shall be found to meddle with the natives in any way, or to negotiate for any appointment of officials in connection with native affairs, or in any way to meddle or interfere with affairs affecting the natives, without having been specially authorised thereto by the Government or Superintendent of Natives, on behalf of the Government, such person shall be punished :—

For the first offence with a fine not exceeding £200, or with imprisonment with hard labour for a period not exceeding twelve months.

Penalties for  
interfering  
with native  
affairs.

For the second offence, with a fine not exceeding £500, or imprisonment with hard labour for a period not exceeding two years.

For the third offence, with imprisonment for three years with hard labour.

(e) MINING.

The issue of licenses under Ordinance No. 66, 1903, is restricted to \*white male inhabitants of the Colony, and those under Law No. 15, 1898, to white persons.

## LAW 15. 1898.

133. No coloured person may be a license holder, or in any way be connected with the working of the diggings, but shall be allowed only as a workman in the service of whites.

Coloured person.

149. A coloured person selling, bartering, handing over or receiving unwrought precious metal, or being found in possession of unwrought precious metal, shall be punished with lashes not exceeding fifty in number, and imprisonment for a period not exceeding five years with or without hard labour.

Coloured person selling unwrought metal.

Penalty.  
Forfeiture.

The unwrought gold which is found in his possession shall, by order of the judge who passes the sentence, be given back to the owner, if he is known, and otherwise be declared forfeited in favour of the State.

## (f) RAILWAYS.

## FIRST VOLKSRAAD RESOLUTION. 14TH OCTOBER. 1897.

Article 1522.—The First Volksraad resolves: That considering the information that coloured persons when they have taken out first-class tickets take their places in such first-class carriages intended for white persons and considering that the Government wishes to see the provisions for separate carriages for coloured persons maintained most strictly:

Railway to provide separate compartments for coloured persons.

Resolves to instruct the Government to avoid equalisation of the races in trains, also to strictly prevent any infringement of the said provisions, and by means of the Government Commissioner to arrange with the Netherlands South African Railway Company, and other Railway Companies in the Republic, to partition off a small place for coloured persons in every carriage for such coloured persons as have taken a first-class ticket.

## BYE-LAW PUBLISHED BY GOVERNMENT NOTICE No. 1022. 1905

*Bye-law for the Seating of Passengers made by the High Commissioner under Section six of Ordinance No. 60 of 1903.*

The Central South African Railway Administration shall have entire control over the arrangements for seating passengers.

Passengers shall therefore conform to any instructions given by a Stationmaster, Guard, or other official authorised for the purpose, as to the compartment in which they shall travel or the seats they are to occupy, and no passenger shall remain in any compartment or seat if requested by such official to vacate the same.

If the circumstances necessitate any passenger having to travel in a compartment of inferior class to that for which he holds a ticket, the difference in the fare shall be refunded by the Railway Department on application to the Traffic Manager.

Any person refusing to comply with this bye-law shall be liable to summary removal from the train, and to a penalty not exceeding 40s., or in default of payment to imprisonment or seven days, with or without hard labour.



## (g) REGISTRATION OF BIRTHS AND DEATHS.

\*ORDINANCE No. 19, 1906.

Power of  
Lieutenant-  
Governor to  
prescribe  
special pro-  
visions as to  
notice of  
births and  
deaths of  
natives.

32. (1) Nothing in this Ordinance contained shall apply to the notification of births and deaths of natives but the Lieutenant-Governor may by Regulation prescribe special provisions to be in force in any district of the Colony or portion of a district for the notification of births and deaths of natives and may by any such Regulation prescribe penalties for the breach thereof not exceeding the penalties in section *thirty-eight* mentioned.
- (2) The term "native" in this section shall mean a person both of whose parents belong to an aboriginal race or tribe of Africa.

## (h) RESERVATION OF LAWS.

ROYAL LETTERS PATENT OF 6TH DECEMBER, 1906.

*Description of Bills to be Reserved.*

XXXIX.—Unless he shall have previously obtained Our instructions upon such law through a Secretary of State, or unless such law shall contain a clause suspending the operations of such law until the signification in the Colony of Our pleasure thereupon ;

The Governor shall reserve—

- (a) Any law whereby persons not of European birth or descent may be subjected or made liable to any disabilities or restrictions to which persons of European birth or descent are not also subjected or made liable.

## (i) VAGRANCY.

LAW No. 1, 1881, B.

Whereas it is necessary to provide against vagrancy and public violation of good morals, now therefore the Volksraad has deemed fit to provide and enact as it hereby does :

Vagrancy.

1. Vagrancy is an offence.

Definition.

2. Vagrants or rascals are persons who have neither a fixed place or residence nor means of subsistence, and who are not in the habit of carrying on any trade or exercising any calling.

\* Not yet brought into operation.— February, 1907.

3. Vagrants or rascals, who shall be lawfully declared to be such, shall be punished by imprisonment for a period not exceeding six months, and with hard labour according to circumstances. Penalty.

4. Persons who shall be declared by a judgment to be vagrants, shall, if they are aliens, upon order of the Government, be placed across the border. Aliens.

5. All persons who shall be guilty of any public violation of or offence against decency shall be punished by imprisonment for a period not exceeding six months, with hard labour, or a fine. Violations of public decency.

6. The provisions of the criminal procedure concerning the prosecution of crimes shall remain in full force as regards the prosecution of the crimes referred to in this law. Criminal procedure.

7. This law shall come into operation immediately in terms of Article 12 of the Grondwet.

#### (k) WITCHCRAFT.

ORDINANCE No. 26, 1904.

29. Any person who imputes to another the use of non-natural means in causing any disease in any person or property or in causing injury to any person or property or shall name or indicate another as a wizard or witch shall be liable upon conviction to imprisonment with hard labour for a period not exceeding five years. Imputations of witchcraft.

30. Any person who having named or indicated another as a wizard or witch shall be proved to be by habit or repute a witch doctor or witch finder shall be liable upon conviction to imprisonment for life. Witch doctor naming another as a wizard or witch.

31. Any person who employs or solicits any witch doctor or witch finder to name or indicate another as a wizard or witch shall be liable upon conviction to imprisonment with hard labour for one year. Employing a witch doctor.

32. Any person professing a knowledge of so-called witchcraft or the use of charms who shall advise any person applying to him how to bewitch or injure persons animals or other property or who shall supply any person with the pretended means of witchcraft shall be liable to imprisonment with hard labour for a period not exceeding ten years. Witch doctor supplying advice for witchcraft with intent to injure.

33. Any person who on the advice of a witch doctor or of his pretended knowledge of so-called witchcraft shall with intent to injure use or cause to be put into operation such means or processes as he believes to be calculated to injure any person or property shall be liable upon conviction to imprisonment with hard labour for a period not exceeding ten years. Persons using witch medicine with intent to injure.

34. Any person who for purposes of gain pretends to exercise or use any kind of supernatural power witchcraft sorcery enchantment or conjuration or undertakes to tell fortunes or pretends from his skill or knowledge in any occult science to discover where or in what manner anything supposed to have been stolen or lost may be found shall be liable upon conviction to imprisonment with hard labour for a period not exceeding one year. Pretending to use supernatural power for purposes of gain.

## (l) WOODCUTTING.

A fee of five shillings shall be payable by natives other than tenants of the Crown for a permit, renewable yearly, to carry away firewood for domestic use ; (a) from Crown Lands (Government Notice No. 1121, 1906). (b) from Crown Forests (Government Notice No. 1122, 1906).









## **Municipalities and Towns.**

There are numerous enactments dealing with the sojourning of natives and coloured persons in towns. These enactments for the most part empower the municipalities and town councils to make bye-laws for the supervision and control of natives.

Volksraad Resolution, Art. 104, of 1871, was intended to circumscribe the congregation of coloured persons in towns. The Regulations for Towns, noted and accepted by Volksraad Resolution No. 1256 of 1899, provide for the carrying of passes, the use of sidewalks, etc.

The Municipal Corporations Ordinance, No. 58, 1903, amended by Ordinances 41, 1904; 17, 1905; and 26, 1906, gives extensive powers with regard to the establishment of \*locations, registration, and the carrying of passes, etc., etc. Similar powers are given to the Municipality of Pretoria by Proclamation No. 7 of 1902, amended by Ordinance No. 31 of 1902; and to the Municipality of Johannesburg by Ordinance No. II., Private, of 1906.

Municipalities.

Pretoria.

Johannesburg.

It was notified by General Notice No. 29 of 1906 that no application to establish a township for coloured persons under Ordinance No. 19, 1905 would be entertained pending the enactment of legislation providing for the local administration of such townships.

### VOLKSRAAD RESOLUTION, 25TH SEPTEMBER, 1871, ART. 104.

Resolved,—That in future no erfholder in any town in this Republic shall be entitled to allow coloured persons to collect on his erf or erven, with the exception of such as he requires for his special service, and that no such erfholder shall be entitled to allow coloured persons to live or collect on his erf or erven who have not actually entered into some lawful contract with him, and who are not maintained by him alone, and the Landdrosts of the various towns are instructed to strictly enforce this Law, in order to prevent vagrancy, theft, and other irregularities arising out of such collecting of coloured persons.

Coloured persons may not congregate or erven in towns.

### †REGULATIONS FOR TOWNS.

#### VOLKSRAAD RESOLUTION, ART. 1256, OF 1899.

36. Coloured persons are prohibited from walking on the sidewalks of the streets, or on any stoep serving as a sidewalk.

Sidewalks.

\* For Municipal Location Regulations, see page 97.

† These Regulations do not apply within any municipality in which a Council has been established under Ordinance 58, 1903—Section 72 (2).



- Native passes. 37. Every male coloured person above the age of twelve years, residing in any town or village, shall be provided with a printed town pass, setting out the name of his master and time of service.
- Natives must be clad. 38. No coloured person, male or female, may enter or go about in any town or village improperly clad.
- Natives may not reside in erven along streets. 39. Coloured persons may not reside in any place abutting on the public street in any town or village, but every householder or owner of an erf may keep in his back yard whatever servants he requires for domestic service.

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ORDINANCE No. 58, 1903.

(AS AMENDED BY ORDINANCE 41, 1905.)

- Municipalities. 2. "Native" shall mean any person both of whose parents belong to any aboriginal race or tribe of Africa.
- Council may lay out locations for natives. \*37. The Council may with the approval of the Lieutenant-Governor lay out on lands under its control such locations for natives as may be deemed desirable and erect suitable buildings thereon for the occupation of such natives and make charges therefor to be fixed by regulations and may compel all natives residing in the municipality except such as hold letters of exemption issued under Proclamation Transvaal No. 35 of 1901 or certificates of registration issued under the Native Relief Ordinance, No. 28 of 1902, or are employed in service and are lodged on the premises of their employers to reside within such locations.
- The Lieutenant-Governor may from time to time make alter and repeal regulations :
- †(1) for the proper carrying out of the provisions of this section and the effectual supervision of such locations :
  - ‡(2) for the issue of passes to and the carrying of passes by all natives in municipalities which are not within labour districts and for the fixing of charges for each such pass not exceeding one shilling per month payable in advance by such natives.
42. The Council shall have power to make alter or revoke bye-laws or regulations :
- (45) regulating the use of public streets by natives and prohibiting the carrying by them of knobkerries and assegais or other sticks or weapons ;
  - (46) regulating the housing of natives by their employers ;
  - (47) regulating and licensing wash boys and native labourers other than those employed in industrial concerns or domestic service ;

\* Amended by Section 21 of Ordinance 41, 1904.

† For Regulations see page 97.

‡ For Regulations see page 184.

- (50) prohibiting the use of the sidewalks of any public street by natives not holding letters of exemption issued under the Coloured Persons Relief Proclamation 1901 and by coloured persons who are not respectably dressed and well conducted.

ORDINANCE No. 17 of 1905.

1. The provisions of section *thirty-seven* of the Municipal Corporations Ordinance 1903 as amended by section *twenty-one* of the Municipal Corporations Amendment Ordinance 1904 shall extend to all locations for natives which are in fact under the control of the council of a municipality whether or not any such location was established or laid out by the council; provided that the council shall have obtained the approval of the Lieutenant-Governor to the assumption of control over such location and shall have passed a resolution assuming such control. The Native Location Regulations published under Government Notices No. 743 and No. 758 of 1904 shall apply to any locations of which a council of a municipality shall have assumed control as aforesaid.

Native Location Regulations, &c., to apply to locations under control of Council whether laid out by it or not.

2. (1) The council may with the approval of the Lieutenant-Governor close any location for natives established or laid out by it or under its control; provided that the Lieutenant-Governor may before giving his approval to the closing of such location require the council to lay out other land suitable for a location and in manner approved by him to which the inhabitants of the location to be closed may be transported together with any movable erections thereon at the expense of the council and subject to compensation as prescribed in sub-section (4) of this section.

Power to Council to close locations and remove to another place with approval of Lieutenant-Governor.

(2) All regulations in force in relation to a location closed under this section shall cease to apply to such location but shall apply to any location substituted under this section until repealed or altered in manner provided by law.

(3) A location shall be deemed to be closed under this section from a date mentioned in a notice affixed in conspicuous places upon such location and published once during three consecutive weeks in a newspaper circulating in the municipality.

(4) On the closing of any location under the provisions of this section every lawful holder of a lot therein shall be entitled to compensation for any improvement or erection made or acquired by him on such lot which shall not have been removed by the local authority and re-erected for the benefit of such holder in any new location laid down under this section.

Such compensation shall be fixed by agreement between the holder and the council or failing such agreement shall be assessed by the Magistrate and two arbitrators one of whom shall be appointed by the council and one by the Commissioner for Native Affairs.

## ORDINANCE 26, 1906.

Issue of long  
leases by  
Council to  
occupiers in  
Asiatic  
bazaars and  
native  
locations.

- \*10. (1) It shall be lawful for the council to grant leases of plots in any native location or Asiatic bazaar or township established by the council or under its control for any term not exceeding thirty-three years in such form and subject to such conditions as the Lieutenant-Governor may approve.

(2) Such leases shall not require to be executed before a notary public and such leases and cessions thereof shall not require to be registered except in a register to be kept by the council in accordance with such regulations as the Lieutenant-Governor may prescribe and any such lease and any cession of such lease shall if so registered be valid and binding for all purposes.

Any transfer duty or stamp duty payable on any such lease or cession thereof under any law relating to transfer duty or stamp duty shall be paid in manner prescribed by such regulations aforesaid. The council shall account to the Colonial Treasurer for any transfer duty or stamp duty payable upon any registration effected under such regulations aforesaid.

## PROCLAMATION No. 7, 1902.

(AS AMENDED BY ORDINANCE No. 31, 1902.)

Pretoria.

27. The council shall have power and authority . . . .

†(4) To lay out within the municipality such locations for aboriginal natives as may be deemed desirable and to compel all aboriginal natives except such as are employed in domestic service and are lodged on the premises of their employers to reside within such locations and to make ‡regulations for the proper carrying out of the powers herein conferred §and for the issue of passes to and the carrying of such passes by natives within the municipality; and to charge for each pass a fee of one shilling per month payable in advance by the employer of any native either for one month or for any period not exceeding six months.

Power to  
make regula-  
tions as to the  
issue of  
native passes  
and the  
charging of  
fees for the  
same.

## ORDINANCE No. II., PRIVATE, 1906.

Johannes-  
burg.

4. "Native" includes any person belonging to any of the aboriginal races or tribes of Africa south of the Equator and any person one of whose parents belongs to any such race or tribe as aforesaid.

\* By Section 18 of the Ordinance, these provisions are made applicable to the Municipality of Pretoria.

† See Ordinance 26, 1906.

‡ For Regulations see page 97.

§ For Regulations see page 178.

38. It shall be lawful for the council :—

- (a) to establish maintain and control within or without the limits of the municipality locations for natives and coloured persons and to erect and maintain buildings in such locations for the housing of such persons.

Establishment of native locations and Asiatic bazaars.

39. (1) It shall be lawful for the council to grant leases of plots in any native location or Asiatic bazaar or township established by the council or under its control for any term not exceeding thirty-three years in such form and subject to such conditions as the Lieutenant-Governor may approve.

Provisions with regard to the tenure of plots in native locations.

(2) Such leases shall not require to be executed before a notary public and such leases and cessions thereof shall not require to be registered except in a register to be kept by the council in accordance with such regulations as the Lieutenant-Governor may prescribe and any such lease and any cession of such lease shall if so registered be valid and binding for all purposes.

Any transfer duty or stamp duty payable on any such lease or cession thereof under any law relating to transfer duty or stamp duty shall be paid in manner prescribed by such regulations aforesaid. The council shall account to the Colonial Treasurer for any transfer duty or stamp duty payable upon any registration effected under such regulations aforesaid.

41. The council may from time to time make alter and revoke bye-laws or regulations—

- \*(75) For maintaining and regulating locations for natives and other coloured persons established or controlled by the council.
- (76) For enabling the council to control and supervise the housing of natives by employers and to prevent annoyance to persons in the neighbourhood arising therefrom to compel all natives not residing on the premises of their European employers or not holding letters of exemption whilst lawfully within the Municipality to reside at any location for natives which may have been established by the council and for enabling the council to regulate the use of public streets by natives and for prohibiting the carrying by natives of knobkerries assegais or other sticks or weapons and further for enabling the council to license native wash boys and native labourers other than boys or labourers employed in industrial concerns or domestic service.

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\* For Regulations see page 86.













## **Pass Laws.**

The various regulations relative to the carrying of passes and the registration of natives which have been brought into operation from time to time are as follows:—

*A.*—Under Proclamation No. 37, 1901, amended by Ordinance No. 27, 1903—

(i.) The General Pass Regulations.

General  
Regulations.

(ii.) The Pass Regulations for Labour Districts.

Regulations  
for Labour  
Districts.

These two sets of regulations have been issued in one series and are contained in Proclamation (Administration) No. 18, 1903, amended by Proclamations No. 56, 1903; No. 1, 1905; No. 82, 1905; No. 15, 1906; and No. 4, 1907.

The Labour Districts have been defined by Proclamation No. 48, 1904, amended by Proclamation No. 64, 1906.

*B.*—Under section *one hundred and fifty* of Law No. 15, 1898, a monthly pass is required on all public diggings which are not within proclaimed Labour Districts.

Public  
diggings.

*C.*—Under Proclamation No. 7, 1902, as amended by Ordinance No. 31, 1902, the Pretoria Pass Regulations.

Pretoria.

These Regulations were published by Government Notice No. 295, 1903, and amended by Government Notices Nos. 1292, 1903, and 283, 1906.

*D.*—Under Ordinance No. 58, 1903, amended by Ordinance No. 41, 1904, Municipal Pass Regulations were framed, which have been applied in the following urban areas by Government Notice \*No. 1049, 1904:—Amersfoort, Amsterdam, Barberton, Belfast, Bethal, Carolina, Christiana, Ermelo, Lichtenburg, Lydenburg, Machadodorp, Middelburg, Nylstroom, Pietersburg, Piet Retief, Potchefstroom, Potgietersrust, Rustenburg, Standerton, Schweizer Reneke, Ventersdorp, Volksrust, Wakkerstroom, Wolmaransstad, and Zeerust.

Municipali-  
ties.

The Regulations under Government Notice No. 1049, 1904, were amended by Government Notice No. 144, 1907.

*E.*—The carrying of a pass in towns, other than those which have been proclaimed under the Municipalities Ordinance, is enjoined by the Regulations for Towns (*vide* page 154).

Townships.

*F.*—Under the Night Passes Ordinance, No. 43, 1902, natives are forbidden to be abroad without a special pass between the hours of 9 p.m. and 4 a.m., within the area of every municipality or within any specially proclaimed area.

Night passes.

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\* These Municipal Regulations had previously been applied by certain defective Government Notices, which were validated by Ordinance No. 28, 1904.

The following areas have been proclaimed under this Ordinance :—

*By Proclamation No. 2, 1904 :*

<i>Township.</i>	<i>District.</i>
Potgieter .. ..	Waterberg
Komati Poort .. ..	Barberton
Vlakfontein .. ..	Heidelberg
Ottoshoop .. ..	Marico
Bloemhof .. ..	Wolmaransstad
Elandsheuvcl .. ..	Klerksdorp
Hartebeestfontein .. ..	Klerksdorp
Pilgrims Rest .. ..	Lydenburg

*By Proclamation No. 38, 1905 :*

The town of Louis Trichardt.

*By Proclamation No. 35, 1906 :*

The farm "Groenkloof," Pretoria.

The Townlands of Pretoria at present not within the municipal area.

The area over which the Pretoria Suburbs Health Committee has jurisdiction under and by virtue of Proclamation No. 11, 1906.

The townships of Pretoria North and Wolmer.

#### A.—THE NATIVE PASSES PROCLAMATION,

No. 37, 1901.

(AS AMENDED BY ORDINANCE No. 27, 1903.)

Whereas it is expedient to make better provision for regulating the entry of natives into the Transvaal from places beyond the borders thereof and their return thereto ; for the departure from the Transvaal, or the return thereto, of natives residing therein ; for the protection and security of natives travelling within the Transvaal ; and for the control and regulation of native labourers in this Colony :

Now, therefore, by virtue of the authority in me vested, I do hereby proclaim, declare, and make known as follows :—

Governor  
power to make  
Regulations.

1. The Administrator of the Transvaal may from time to time make Regulations for any of the following purposes, and provide penalties for the contravention thereof :—

- (1) For regulating the entry of natives into this Colony from any place beyond the borders thereof and their return thereto ; their travelling from place to place in this Colony ; and their sojourn therein.
- (2) For regulating the travelling from place to place within this Colony of natives residing therein ; their departure therefrom to places beyond the borders thereof and their return thereto.
- (3) For regulating the introduction and supply of native labour in this Colony and ensuring the better control of natives in service.

Such Regulations shall, on publication in the *Gazette*, be of full force and effect.

2. Any person contravening any of the Regulations made under this Proclamation shall be liable to the penalties provided thereby, and in the absence of any penalties expressly provided in such Regulation he shall be liable to pay a fine not exceeding *ten* pounds, or in default of payment thereof to imprisonment for a term not exceeding six months, with or without hard labour, or to both such fine and such imprisonment; provided that one-half of any fine may be awarded by the Court by which it is imposed to the informer on whose information such person shall have been convicted.

Penalty for  
contravention  
of Regulations

Moiety may  
be awarded to  
informer.

3. Any person who shall harbour any native contravening any of the aforesaid Regulations, or who shall in any way aid or abet any native to contravene the same, shall on conviction be liable to the penalties provided in the last preceding section.

Persons har-  
bouring or  
aiding natives  
in violation  
hereof to be  
deemed guilty  
of a contra-  
vention.

4. The term "Native" when it occurs in this Proclamation or in the Regulations made thereunder shall mean a male person over fourteen years of age both of whose parents are members of some aboriginal race or tribe of Africa; the term "Employer" shall, in the case of a company, mean the responsible manager thereof, and if there be no manager then the person registered as responsible for the control, management, and direction thereof; the term "Labour District" shall mean any area proclaimed as such by the Administrator; and the term "District" shall mean an area subject to the jurisdiction of a Court of Resident Magistrate.

Definition of  
terms.

\*The areas defined as Labour Districts by Law No. 23 of 1899 shall be Labour Districts under this Proclamation until altered as aforesaid.

What are  
Labour  
Districts.

5. (1) It shall be lawful for the Administrator from time to time to appoint in each Labour District so many Inspectors of Natives as he may think necessary, whose duty it shall be—
- (a) To enquire into and redress if possible or otherwise to report to the Commissioner for Native Affairs any grievances complained of by natives employed within such district as aforesaid.
  - (b) To enquire into and determine all breaches of discipline and minor contraventions of Regulations made under this Proclamation by any such natives as aforesaid.
  - (c) To hear and determine any matter or dispute of a civil nature between any such natives as aforesaid.
  - (d) To enter any place occupied by natives and to arrest any offender against Regulations made under this Proclamation or any amendment thereof and where the offence is not one which the Inspector is authorised to deal with under this and the next succeeding section to deliver such offender to a constable to be brought before the Court of the Resident Magistrate.

Appointment  
of Native  
Inspectors.

When such matter or dispute is in reference to

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\* For existing Labour Districts, see page 174.

money alleged to be due to one native by another an order by the Inspector for the payment of such money may be discharged by the employer and deducted by him from any wages due to the native against whom such order was made.

(2) Every such employer shall afford every facility in his power required for such investigation by an Inspector, and any employer refusing to do so shall be guilty of an offence against this Proclamation, and shall be liable, on conviction by any Court of Resident Magistrate, to a fine not exceeding fifty pounds, and in default of payment to imprisonment, with or without hard labour, for a term not exceeding six months.

Powers of  
Inspectors.

6. For the purpose of enquiring into and determining such grievances, disputes, breaches of discipline, and contraventions of Regulations, such Inspector as aforesaid shall have the following powers:—

(1) He may examine witnesses on oath. Any person giving false evidence in any such enquiry shall be deemed guilty of perjury, and shall be liable to the penalties provided by law for the commission of that crime.

(2) He may, on finding any native guilty of a breach of discipline or a contravention of any Regulation, impose a fine on him not exceeding five pounds, and in default of payment the employer of such native shall withhold the said amount from any wages due to such native and pay it over to the Inspector for the benefit of the Colonial Treasury.

No deduction  
to be made  
from wages of  
native.

7. No deduction otherwise than as provided by the last preceding sections, or by a sentence of a competent Court, shall be made from the wages of any native actually earned by him.

Regulations  
in Schedule  
to be of full  
force until  
revoked.

8. The Regulations in the Schedule to this Proclamation shall be of full force and effect until revoked or amended, and there shall be paid on the "passes" and "passports" in the said Regulations mentioned the fees therein prescribed.

Proclamation  
Transvaal No.  
23 of 1901  
applies to  
passport.

9. The term "District Pass," wherever it occurs in Proclamation Transvaal No. 23 of 1901, shall be taken and read as "Labour Identification Passport," and the term "Native" in the said Proclamation shall be covered by the definition of that term in section *four* of this Proclamation.

10. It shall be lawful for the Administrator to establish at every Pass Office in a Labour District guard rooms of adequate size in which it shall be lawful to detain for a period not exceeding six days any native suspected of desertion from the service of his employer.

Repeal of  
Laws.

11. The following Laws shall be and are hereby repealed:—

Law No. 22 of 1895,

Law No. 23 of 1899,

and so much of any other law as may be inconsistent with or repugnant to the provisions of this Proclamation.

Title and  
taking effect  
of Proclama-  
tion.

12. This Proclamation may be cited for all purposes as the "Native Passes Proclamation, 1901," and shall take effect from and after the second day of January next.

**REGULATIONS UNDER SECTION TWO OF THE NATIVE  
PASSES PROCLAMATION, 1901.**

—  
ESTABLISHED UNDER PROCLAMATION No. 18, ADMINISTRATION  
1903, AMENDED BY PROCLAMATIONS No. 56, 1903; No. 1,  
1905; No. 82, 1905; No. 15, 1906; AND No. 4, 1907.

—  
*General Pass Regulations.*

1. No native shall save as hereinafter excepted enter travel within or leave this Colony unless he be in possession of a pass duly issued for that purpose by an authorised official. All native travelling must have passes.

\*Provided always that any native residing in or outside this Colony within ten miles of the boundary line thereof who desires to cross or re-cross such boundary may enter or leave the Colony on a visit without being in possession of a pass; provided further that if the duration of such visit shall have exceeded ten days a pass issued under this Regulation to re-enter or leave the Colony shall be necessary.

†2. Any native who has obtained a pass to proceed to any place within the Transvaal issued by an authorised official in any British Territory or in any of the Portuguese Possessions in South Africa may travel in the Transvaal to such place upon having such pass endorsed by the official in this Colony who is conveniently nearest the place where such native has entered it. Foreign passes.

‡3. Any native residing on a farm or on any private property in this Colony or in a Government Native Location who desires to travel within this Colony for the purpose of visiting or on the business of his employer may do so upon a permit or note issued by the owner of the farm or private property on which he resides or by an official or native chief appointed by the Commissioner for Native Affairs to issue such notes or permits to natives residing in such location as aforesaid, or by his employer, as the case may be. Within Colony travelling.

Such permit or note shall bear the date when and shall state the purpose for which it was issued; provided that the duration of any such permit or note shall not exceed ten days.

In case any native shall by reason of his residing on a farm unoccupied by a European or for other sufficient cause be unable to obtain a note or permit as required in this section he shall be at liberty to proceed to the nearest pass officer or other Government official for the purpose of obtaining such permit or note as aforesaid or for the purpose of obtaining a travelling pass under the next succeeding Regulation without rendering himself liable to any penalty under these Regulations.

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\* Proclamation 4, 1907.

† Proclamation 82, 1905.

‡ Proclamations 15, 1906, and 4, 1907.

Forging or  
issuing notes  
or permits.

Any person who fabricates forges or utters knowing the same to be forged a note or permit as mentioned in this Regulation or a special permit as mentioned in Regulation No. 25 purporting to authorise any native to travel within or without this Colony shall be guilty of an offence and liable on conviction to the penalties provided by Regulation 8.

Any person not having authority under these Regulations to issue permits to natives who does issue a permit purporting to authorise a native to travel within or without the Colony shall be liable on conviction to the penalties provided by Regulation 8.

Pass required  
when proceed-  
ing to work.

4. Except as provided in the preceding section any native within this Colony who desires to proceed for work within the district in which he resides or to go beyond the district on his own business or that of his employer, shall obtain at the nearest pass office an official travelling pass in the form hereto annexed and marked 1 G. on which he shall pay the sum of one shilling.

Infectious  
disease.

5. No pass to travel shall be issued to any native apparently suffering from infectious disease.

Apprehension  
without  
passes.

\*6. In order to prevent vagrancy and habitual idling any native found wandering abroad without a proper pass or travelling otherwise than in the direction indicated in his pass may be apprehended by any officer authorised by law to arrest or by any person upon whose property he is found and shall be forthwith brought before the nearest officer empowered to deal with offences against the Pass Law and on conviction shall be liable in the case of a first offence to a fine not exceeding one pound and in default of payment to imprisonment with hard labour not exceeding seven days and in the case of a second or subsequent offence shall be liable to a fine not exceeding two pounds and in default of payment to imprisonment with hard labour not exceeding fourteen days.

No employ-  
ment without  
passes.

7. (1) No person may employ or take into his service any native who is not provided with a proper pass which such employer shall demand from him and retain in his possession until the expiration of his period of service when it shall be returned to him with an endorsement thereon by the employer correctly dated of the discharge of such native from his employ; and on the production thereof to any official such native shall be entitled to an endorsement thereon without any charge enabling him to return to his home.

(2) This Regulation shall not apply to the owner or lessee of a farm employing a native residing thereon.

(3) Every native who is by law obliged to carry a pass shall produce it when required to do so by police or other authorised officials.

Pass to be  
produced  
when  
required.  
Arrest of  
offenders.

(4) Officers of the Native Affairs Department and native police employed by the Government or municipal authorities shall have the power to arrest any native suspected or charged with any offence against these Regulations with or without a warrant.

8. Any person who unlawfully deprives a native of his pass or maliciously withholds it from him or maliciously destroys or alters it or who grants a permit to a native to travel who is not in his employ or who forges a pass shall be liable to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding six months. Penalty for withholding pass.
9. No railway ticket shall be issued to a native unless he is in possession of a permit note or pass issued under these Regulations. No railway ticket with a pass.
10. No native coming within the following list of exemptions shall be required to take out a pass to enter leave or travel within this Colony :— Exemption
- (a) native police or messengers while on the service of the Government of this Colony provided that such native police or messengers are in possession of a certificate of employment signed by the head of the department to which they belong ;
  - (b) any native driver leader or personal attendant in the employ of an European master whilst actually engaged as such and producing a pass signed by his employer ;
  - (c) any native to whom a letter of exemption or registration certificate has been granted by the Commissioner for Native Affairs.
11. Any native who shall claim to be exempted from taking out a pass by virtue of the provisions of sub-section (c) of the foregoing Regulation may be required to satisfy any Magistrate official or police officer that he is entitled to exemption either by production of his letter of exemption or otherwise. Letter of exemption be produced when required.
12. No pass shall include the name of more than one person ; provided that when any native taking out a pass is accompanied by his wife or children under the apparent age of fourteen years a note made on the pass referring to and setting forth the name of the wife and number of children shall be sufficient authority for such wife and children to enter or leave or travel within the Colony under such pass. Not more than one on pass.
13. An official shall have the discretion to refuse to issue or endorse a pass to any native to enter or depart from this Colony or travel therein for any reason appearing to him sufficient. Pass may be refused.
14. If an official shall refuse to issue or endorse a pass he shall report such refusal to the Native Commissioner or if there be no Native Commissioner to the Resident Magistrate of the district who shall direct the official to issue the same or not as he shall deem fit. Refusal of pass to be reported.
15. The Commissioner for Native Affairs shall have full authority and discretion in any case to order that a pass shall be issued or refused to any native notwithstanding any prohibition or other provision contained in these Regulations. Reference to Commissioner for Native Affairs.
16. Any native who shall have lost his pass shall be required to obtain a duplicate thereof from the official on payment of the proper fee. Lost passes.



Natives under  
Contract.

17. Every official shall enquire of every native who applies for a pass to seek work or for an endorsement of his pass to return home whether he is under an unexpired contract of service and any applicant making a false statement in reply to such enquiry shall be deemed guilty of a contravention of these Regulations.

Consent of  
employer.

18. No pass shall be granted to a native who is known by the Magistrate or official to be under an unexpired contract of service except with the consent in writing of the employer.

Permission  
to enter  
property.

19. It shall not be lawful for any native to enter and be upon the property of any person (unless he be in such person's employ) without the permission of the person in charge of such property or without a note from his employer stating the object for which he is on such property; an open delivery note accompanying goods from a merchant or other tradesman shall be considered as such a note.

Regulations  
applicable  
throughout  
Colony.

20. The above Regulations shall apply to all districts in this Colony including Labour Districts except in so far as they may be in conflict with the next succeeding Regulations.

The expression "pass" in these Regulations shall in Labour Districts include the "Identification Labour Passport" herein-after referred to.

#### *Regulations for Labour Districts.*

Identification  
labour passes.

21. Any native residing in the Transvaal or coming from beyond the borders thereof desiring to work within any Labour District must be provided with an "Identification Labour Passport" hereinafter referred to as a passport in the form hereto annexed and marked I L. which shall be filled in as required thereby and shall be available to him for return home. A passport shall contain a complete record by which the holder may be identified and his movements traced and shall in any Court of Law be *prima facie* evidence of the facts therein recorded. It shall not be available after final endorsement for return home for any purpose other than for such return.

Particulars to  
be accepted as  
*prima facie*  
evidence.

Natives with  
labour agents.  
Procedure in  
matter of  
coercion or  
faulty  
agreement.

22. Every native accompanied by a licensed labour agent shall before being granted a passport be questioned by the official as to the terms of his agreement of service and whether such service is voluntary on his part. In the event of it being found that there was coercion or misrepresentation on the part of the labour agent in obtaining the service of such native or that the agreement of service is in other respects void such native may be sent back to his home at the expense of the labour agent or his employer.

Registration  
after arrival.

23. Every native engaged by a labour agent to work in any Labour District must within three days after his arrival therein be conducted by such agent or his representative to the pass Office and shall there obtain a passport which shall be registered by the official who shall record the name of the employer and the terms of the agreement of service. On every such registration there shall be paid by the employer a fee of one shilling.

Procedure  
for natives  
travelling  
independ-  
ently.

24. (1) Every native entering a Labour District to seek work shall obtain a passport and report himself at the pass office therein within twenty-four hours after arrival in such district and shall thereafter be allowed six days

to enable him to find an employer. The employer when found shall within three days have the said passport registered and shall pay the fee thereon as provided in the last preceding Regulation.

(2) If such native fails to find work within six days from the date of issue of the passport or within six days from the date of discharge by his last employer he shall return to the pass office and his passport shall be endorsed to return home or to proceed to another Labour District at the discretion of the official.

Procedure on failure to obtain employment.

(3) Any native who fails to have his passport so endorsed or who is found in a Labour District without a passport or who remains in the district longer than twenty-four hours after his passport has been endorsed shall be liable to pay a fine not exceeding five pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding one month.

Penalty for remaining in district thereafter.

(4) Any native who :

Contraventions and penalty.

(a) is in possession of or makes use of a passport monthly pass or travelling pass belonging to another ; or

(b) refuses to give or gives falsely any of the particulars in use upon passports ; or

(c) falsely states that he has not been previously registered or makes any other false statement or commits any other act with the object of deceiving any authorised official or of contravening these Regulations ; or

(d) hands over to any other native his passport hereinbefore described and belonging to himself shall be deemed to be guilty of contravening these Regulations and shall be punished with a fine not exceeding ten pounds or imprisonment with or without hard labour not exceeding three months.

25. Any native employed within a Labour District sent by his employer on business beyond the boundaries of the town or municipality in which he resides or who with the consent of his employer travels within or beyond such district shall be provided by such employer with a special permit in addition to his passport. Such permit shall not extend beyond three consecutive days and shall set forth the object for which it is granted and the date of its issue.

Native travelling in labour district must be provided with permit by his employer.

26. It shall not be lawful for any native to enter and be upon the property of any company or person (unless he be in the employ of such company or person) without the permission of the person in charge of such property or without having in addition to his passport a note from his employer stating the object for which he is on such property ; an open delivery note accompanying goods from a merchant shopkeeper and any other tradesman shall be considered as such a note ; and it shall not be lawful for the person in charge of such property to grant permission to enter and be upon such property to any native not in the possession of a proper pass or note as aforesaid.

Nonative may enter on any property without consent of person in charge thereof or a note from his employer.

Employer shall retain passport.	27. Upon the engagement of any native the employer shall retain the passport of such native and shall procure for him a monthly pass in the form hereto annexed.
Monthly fee.	28. Upon each such pass which shall be available only for the calendar month in which it was issued there shall be payable in advance by the employer of the holder thereof a fee of two shillings.
Employer responsible for obtaining monthly passes.	The employer shall be responsible that all natives in his service are furnished with proper monthly passes upon expiry of which three days are allowed for renewal.
Production of passport.	At the time of issue under this Regulation of the first monthly pass and in all cases of change of employer the passport must be produced to the official.
Custody of passport.	The employer shall be accountable for the safe keeping of all passports of natives in his service and at the expiration of the term thereof shall note therein in ink particulars of discharge as required and shall then restore the passport to the lawful owner; provided that—
Daily labourers.	(1) Any native in a Labour District who is a daily labourer or follows any occupation by which he is not under any contract of service to any particular person may at the discretion of the official take out a passport which shall be filed at the pass office and upon which he shall pay the registration fee. Such native shall then receive a monthly pass and shall renew the pass monthly upon expiry and pay the fees thereon.
Ricksha pullers.	(2) Native ricksha pullers shall be registered to the ricksha owners who for all the purposes of these Regulations shall be regarded as the employers. Passports issued for such ricksha pullers shall operate as contracts of service under section <i>twenty-one</i> hereof provided that a minimum monthly wage is agreed upon and duly recorded in every such passport.
Period of contract defined.	*29. A labour contract or agreement with any native shall not unless with the special sanction of the Commissioner for Native Affairs extend beyond one year which shall consist of not less than three hundred and thirteen working days after which it may be renewed by endorsement upon his passport but the yearly contract shall not be deemed to have expired unless the native shall have actually worked for such three hundred and thirteen days. Portions of a year shall be held to consist of a proportionate number of working days.
Native entitled to passport on discharge.	30. (1) Upon termination of such contract as is referred to in the last preceding Regulation the employee shall be entitled unless such contract be renewed or a new contract made by him to demand from the employer his passport duly discharged.
Upon renewal.	(2) The renewal of a contract or the making of a new one shall be endorsed on the passport and the terms and particulars thereof registered at the pass office of the district in which such contract is to be performed.

31. Any native who while under contract of service to one employer shall knowingly enter the service of another employer shall on conviction be liable to a fine not exceeding ten pounds and in default of payment to imprisonment with or without hard labour for a term not exceeding three months; and any employer who knowingly engages and takes into his service a native while the latter is still bound by a contract of service to another employer shall on conviction be liable to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a term not exceeding six months.

Fraudul  
contract.

32. (1) Any native who shall be guilty of desertion or shall leave the service of his employer with intent to desert before the term of his contract of service with such employer shall have expired; or

Desertion  
miscond

(2) shall after having entered into a contract fail or refuse without lawful cause to commence the service at the stipulated time; or

(3) who shall without leave or other lawful cause absent himself from his master's premises or other place proper for the performance of his work; or

(4) shall during working hours unfit himself for the proper performance of his work by becoming intoxicated; or

(5) shall neglect to perform any work which it was his duty to have performed or who shall carelessly or improperly perform the same or shall refuse to obey any lawful command of his master or of any person lawfully placed by his Master in authority over him or of any Inspector of Natives or shall by wilful breach of duty or neglect of duty do any act tending to the immediate loss damage or serious risk of any property placed by his master in his charge or shall use any abusive language to his master or to any person placed in authority over him calculated to provoke a breach of the peace shall be liable to a fine not exceeding ten pounds and in default of payment to imprisonment with or without hard labour for a term not exceeding three months; and after having satisfied the sentence imposed on him he shall if his employer so desire be ordered to return to work and to complete the term of his contract.

33. The passports of such natives as have deserted or died shall be sent within six days of such desertion or death to the official or the Inspector of Mine Natives as the case may be with full particulars of dates of such desertions deaths or causes of such deaths.

Record of  
deaths or  
desertions

At every office at which passports are registered (hereinafter referred to as a registry office) a book shall be kept for the registering of native deaths.

34. Any native who has lost his passport may apply for a new one which shall be supplied upon payment of a fee of one shilling provided the official to whom the application is made is satisfied of the identity and *bona fides* of the applicant.

Lost pass  
procedure

If the loss or defacement of the passport be due to the employer the latter shall pay the aforesaid fee.

Employers  
with over 20  
labourers to  
be registered.

35. Every employer of more than twenty native labourers shall be required to keep for each month a correct account according to a form (to be had at every registry office) showing during each month—

- (a) number of natives employed by him ;
- (b) number of contracts with natives made by him which have expired ;
- (c) number of new contracts with natives made by him ;
- (d) number of deaths and desertions of natives employed by him.

A copy of these particulars shall within ten days after the end of each month be sent to the said registry office. Such account as aforesaid shall be open for inspection by any authorised Government official.

Transfer of  
natives from  
one district to  
another.

36. Any employer in a Labour District having work to be done in another Labour District and wishing to transfer natives in his service to that district temporarily shall apply in writing to and obtain permission from the officer at the registry office attaching to his application a list in duplicate of the names of such natives and the numbers of the passports.

On obtaining the necessary permission he shall forward one list to the registry office in the district to which such natives are transferred.

Penalties.

\*37. Any person who shall illegally withhold a passport from a native or who shall defraud a native of his wages or deduct therefrom any sum of money not authorised to be deducted under Proclamation No. 37 of 1901 or any amendment thereof or who shall in order to punish any native accept or obtain money or goods from him shall upon conviction be liable to a fine not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding six months or to both such fine and imprisonment.

Contraven-  
tion by  
employers.

38. It shall not be lawful for any person within any Labour District—

- (a) to engage or have in his service any native who has not a labour passport showing that such native has been properly discharged by his last employer or that he has not previously been employed under such passport ;
- (b) to engage or have in his service any native whose passport shows that he has been discharged for longer than six days or that he has been in the Labour District in which his passport has been endorsed for more than six days without finding work or whose passport is not endorsed by the medical officer at the pass office under Proclamation Transvaal No. 23 of 1901 ;
- (c) to harbour any native who is not in his lawful employ ;
- (d) to refuse at the request of a native on the termination of his contract of service to sign his discharge ;

Vaccination  
certificate.

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\* Proclamation 1, 1905.

- (e) to tamper in any way with a passport belonging to a native not in his employ ;
- (f) to issue permits to visit or travel to any native not in his *bona fide* employ ;
- (g) to register himself as the employer of a native unless it is his *bona fide* intention to employ such native.

Any person guilty of contravening any of the provisions of this Regulation shall be liable to a fine not exceeding fifty pounds or in default of payment to imprisonment with or without hard labour for a term not exceeding six months. Penalties therefor.

\*39. Any person guilty of forging imitating altering or wilfully destroying any passport which may in terms of these Regulations have been issued by an official or of uttering the same or guilty of forging or uttering counterfeit passports shall upon conviction be liable to a fine not exceeding fifty pounds and in default of payment to imprisonment with or without hard labour for a term not exceeding six months ; or to both such fine and imprisonment. Penalties for forging passes.

- 40. (1) Every native who shall have been discharged from gaol shall be sent by the officer in charge thereof to the registry office in the Labour District in which such gaol is with a letter of discharge which shall state the nature of the offence for which he was punished and the term of imprisonment he has served and any native convicted of a criminal offence for which a fine was imposed and paid shall be sent by the Clerk of the Court before which he was convicted to the registry office with a similar letter of discharge. Every native discharged from gaol shall at the option of his master be compelled to return and complete the term of his engagement. Natives discharged from gaol.
- (2) A native sent to the registry office as aforesaid having a passport but no master shall be granted six days to find one.
- (3) A native sent to the registry office as aforesaid not having a passport shall have one issued to him and shall be allowed six days to look for work.
- (4) The provisions of Regulation No. 24 shall *mutatis mutandis* apply to the native referred to in sub-sections (2) and (3) of this Regulation.

41. The Government shall erect a rest-house at each passport office or where it is deemed necessary for the accommodation and rationing of natives who are seeking work in any Labour District and any native accepting such accommodation shall pay a fee of one shilling a day. Rest-houses for accommodation of natives at passport office.

42. The term " official " in these Regulations shall mean any person authorised to issue passes.

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\* Alternatively to prosecuting under this Regulation, it appears that the Common Law offence of forgery could be charged. - *Vide Rex vs. Jolosa*, 1903, T.S. 694.

## NATIVE LABOURER'S MONTHLY PASS.

*Labour District of* .....

No. of Identification Passport .....  
 Name (Native) .....  
 Name known by .....  
 Name of Employer .....  
 Address of Employer .....  
 Signature of Employer .....

Date of Issue.

N.B.--This Pass holds good only for the calendar month in which it was issued. Should the holder change his employer during that month the new employer must at once take out a new Monthly Pass for the holder.

No. 1 G.

## TRANSVAAL ORDINARY TRAVELLING PASS.

Serial No. ....

1. Name (Native) .....
2. Name known by .....
3. Location or place of Residence .....
4. Tribe or Nationality .....
5. Travelling to .....
6. By way of (Route) .....
7. For purpose of .....
- \*8. Has in his possession (stock or property) .....

Issued at .....

Date ..... 190 .....

STAMP.

*Signature of Pass Officer.*

Front of Form.]

## ENDORSEMENT FOR TRANSFER OR RETURN HOME.

To proceed to.	Date.	Signature.	Stamp.

Back of Form.]

\* This pass confers no authority to move stock, for which purpose a permit under Ordinance No. 17, 1902 must be obtained.

Registered No.....  
 Name (Native).....  
 Name (known by).....  
 Father's native name.....  
 Tribe and Chief.....  
 .....  
 Place of Residence.....  
 .....  
 Date of Issue.....

1. Within three days of engaging a native the employer must have his name and address registered at the Pass Office.
2. Employer must sign discharge and surrender passports to native on completion of contract.
3. It is not lawful to engage a native who has been longer than six days out of work.
4. Death or desertion must be reported at Pass Office immediately.

# NATIVE IDENTIFICATION LABOUR PASSPORT (TO BE HELD BY EMPLOYER).

## Form 1 L. Labour District of Johannesburg.

No. of Contract.	N.B. The five columns below are for the use of the Pass Office only.					The particulars of these three columns are to be filled in by Employer only.	
	Name of Employer.	Address of Employer.	Period of Service.		Rate of Pay.	Date of Discharge.	Employer's Signature on Discharge.
			From	To			
1							
2							
3							
4							
5							
6							



## LABOUR DISTRICTS.

ESTABLISHED UNDER THE NATIVE PASSES PROCLAMATION, 1901,  
BY PROCLAMATION No. 48, ADMINISTRATION 1904, AS  
AMENDED BY PROCLAMATION No. 64, 1906.

*Johannesburg Labour District.*

The area bounded by and including the following farms:—

Klipfontein .. .. .	No. 479, Pretoria
Braamfontein .. .. .	127, Witwatersrand
Middelfontein .. .. .	128, ..
Langlaagte .. .. .	129, ..
Mooifontein .. .. .	130, ..
Klip Spruit .. .. .	59, ..
Do. .. .. .	58, ..
Diep Kloof .. .. .	61, ..
Vierfontein .. .. .	131, ..
Ormonde .. .. .	134, ..
Turfontein .. .. .	135, ..
Klipriviersberg .. .. .	141, ..
Doornfontein .. .. .	140, ..
Klipfontein .. .. .	139, ..

*Germiston Labour District.*

The area bounded by and including the following farms:—

Rietfontein .. .. .	No. 144, Witwatersrand
Bedford .. .. .	146, ..
Elandsfontein .. .. .	147, ..
Do. .. .. .	142, ..
Roodekop .. .. .	150, ..
Rooikop .. .. .	151, ..
Rondebult .. .. .	152, ..
Klipportje .. .. .	149, ..
Driefontein .. .. .	148, ..

(That portion of the farm lying West of the spruit known as Knight's Spruit, which intersects the farm from its Northern to its Southern boundary.)

Rietfontein .. .. .	No. 145, Witwatersrand
Zuurfontein .. .. .	369, Pretoria
Mooifontein .. .. .	178, ..
Klipfontein .. .. .	88, ..
Modderfontein .. .. .	441, ..

*Boksburg Labour District.*

The area bounded by and including the following farms:—

Witkoppie .. .. .	No. 157, Witwatersrand
Driefontein .. .. .	148, ..

(That portion of the farm lying to the East of the spruit known as Knight's Spruit, which intersects the farm from its Northern to its Southern boundary.)

Lecuwpoort .. .. .	No. 154,	Witwatersrand
Finaalspan .. .. .	153,	"
Witpoortje .. .. .	162,	"
Koolbult .. .. .	163,	"
Brakpan .. .. .	166,	"
Modderfontein .. .. .	167,	"
Vlakfontein .. .. .	168,	"
Petit .. .. .	170,	"
Vlakfontein .. .. .	169,	"
Rietpan .. .. .	158,	"

*Springs Labour District.*

The area bounded by and including the following farms :—

Holfontein .. .. .	No. 179,	Witwatersrand
Klipfontein .. .. .	172,	"
Cloverfield .. .. .	173,	"
Geduld .. .. .	174,	"
The Springs .. .. .	165,	"
Rietfontein .. .. .	164,	"
Vogelstruisbult .. .. .	36,	Heidelberg
Rietfontein .. .. .	327,	Witwatersrand
Vischkuil .. .. .	108,	Heidelberg
Palmietkuilen .. .. .	61,	"
Geigerle .. .. .	178,	Witwatersrand

*Krugersdorp Labour District.*

The area bounded by and including the following farms :—

Kromdraai .. .. .	No. 71,	Witwatersrand
Honingklip .. .. .	72,	"
Sterkfontein .. .. .	68,	"
Vlakdrift .. .. .	31,	"
Rietfontein .. .. .	5,	"
Elandsvlei .. .. .	23,	"
Brandvlei .. .. .	21,	"
Witfontein .. .. .	29,	"
Rykdom .. .. .	52,	"
Rietfontein .. .. .	25,	"
Blaauwbank .. .. .	41,	"
Uitval .. .. .	26,	"
Witkleigat or Libanon .. .. .	28,	"
Panvlakte .. .. .	4,	"
Waterpan .. .. .	17,	"
Syferfontein .. .. .	32,	"
Zuurbekom .. .. .	9,	"
Doornkop .. .. .	46,	"
Vogelstruisfontein .. .. .	55,	"
Vogelstruisfontein .. .. .	62,	"
Paardekraal .. .. .	42,	"
Waterval .. .. .	79,	"
Weltevreden .. .. .	78,	"
Wilgespruit .. .. .	80,	"
Roodekrans .. .. .	83,	"
Rietvlei .. .. .	89,	"

*Middelburg Labour District.*

The area consisting of the following farms:—

Goedvertrouw .. ..	No. 526, Middelburg
Spitzkop .. ..	407, ..
Eenzamheid .. ..	421, ..
Honingkrans .. ..	386, ..
Doornbult .. ..	530, ..
Haartebeestelaagte .. ..	358, ..
Elandsfontein .. ..	512, ..
Blaauwkranz .. ..	171, ..
Klipfontein .. ..	166, ..
Witbank .. ..	141, ..
Joubertsrust .. ..	554, ..
Blesboklaagte .. ..	311, ..
Driefontein .. ..	399, ..
Schoongezicht .. ..	508, ..
Nooitgedacht .. ..	523, ..
Rondebult .. ..	552, ..
Doornrug .. ..	530, ..
Uitkyk .. ..	337, ..
Eikeboom .. ..	218, ..
Enkeldebosch .. ..	295, ..
Haasfontein .. ..	79, ..
Vaalkrans .. ..	24, ..
Van Dyk's Drift .. ..	200, ..

*Pretoria Labour District.*

The area consisting of the following farms:—

Beynespoort .. ..	No. 520, Pretoria
Elandsfontein .. ..	85, ..
Doornkloof .. ..	431, ..
Elandshoek .. ..	74, ..
Nooitgedacht .. ..	458, ..
Edendale .. ..	458, ..
Franzpoort .. ..	426, ..
Hatherley .. ..	22, ..
Pienaarspoort .. ..	500, ..
Rietfontein .. ..	501, ..
Kaalfontein .. ..	402, ..
Rooikopjes .. ..	209, ..
Zondervater .. ..	173, ..
Wryneb .. ..	74, ..
Kaffirskraal .. ..	406, ..
Louwsbaken .. ..	399, ..

*\*Klerksdorp Labour District.*

The area bounded by and including the following farms:—

Eleazar .. ..	No. 617, Potchefstroom
Buffelsdoorn .. ..	660, ..
<i>Palmietfontein</i> .. ..	271, ..
<i>Doornhoek</i> .. ..	551, ..
<i>Witpoort</i> .. ..	620, ..
<i>Schoemansfontein</i> .. ..	421, ..
<i>Haartebeestefontein</i> .. ..	624, ..

\*The farms in italics were withdrawn from the Klerksdorp Labour District by Proclamation No. 64, 1906.

<i>Oorbietjesfontein</i>	..	..	..	201,	Potchefstroom
<i>Oorbietjesfontein</i>	..	..	..	723,	..
<i>Syferfontein</i>	..	..	..	504,	..
<i>Rhenosterspruit</i>	..	..	..	16,	..
<i>Opraap</i>	..	..	..	686,	..
<i>Yzerspruit</i>	..	..	..	384,	..
<i>Wolvehuis</i>	..	..	..	224,	..
<i>Goedgenoeg</i>	..	..	..	593,	..
<i>Rietfontein</i>	..	..	..	634,	..
<i>Witkop</i>	..	..	..	195,	..
<i>Modderfontein</i>	..	..	..	142,	..
<i>Mapaiskraal</i>	..	..	..	9,	..
<i>Buffelsfontein</i>	..	..	..	634,	..
(The Vaal River is the boundary between Wolvehuis and Buffelsfontein.)					
<i>Wildebeestepan</i>	..	..	No.	385,	..
<i>Scalene</i>	..	..	..	512,	..
<i>Doornplat</i>	..	..	..	602,	..
<i>Hessie, G.G.</i>	..	..	..	80,	..
<i>Nooitverwacht</i>	..	..	..	721,	..

*Heidelberg Labour District.*

The area consisting of the following farms :—

<i>Draaikraal</i>	..	..	No.	296,	Heidelberg
<i>Varkensfontein</i>	..	..	..	217,	..
<i>Bultfontein</i>	..	..	..	28,	..
<i>Droogebult</i>	..	..	..	350,	..
<i>Noycedale</i>	..	..	..	71,	..
<i>Maraisdrift</i>	..	..	..	4,	..
<i>Klippoortje</i>	..	..	..	228,	..
Township of Heidelberg and the					
Town Lands.					
<i>Poortje</i>	..	..	No.	123,	..
<i>Houtpoort</i>	..	..	..	309,	..
<i>Bothaskraal</i>	..	..	..	207,	..
<i>Laagerspoort</i>	..	..	..	310,	..
<i>Steynskraal</i>	..	..	..	279,	..
<i>Wildebeestefontein</i>	..	..	..	233,	..
<i>Driefontein</i>	..	..	..	280,	..
<i>Blinkpoort</i>	..	..	..	353,	..
<i>Blinkpoort</i>	..	..	..	208,	..
<i>Rietfontein</i>	..	..	..	72,	..
<i>Rietfontein</i>	..	..	..	110,	..
<i>Rietbult</i>	..	..	..	322,	..
<i>Vlakfontein</i>	..	..	..	101,	..
<i>Vlakfontein</i>	..	..	..	180,	..
<i>Malanskraal</i>	..	..	..	73,	..
<i>Tweefontein</i>	..	..	..	98,	..
<i>Rietfontein</i>	..	..	..	244,	..
<i>Wilgepoort</i>	..	..	..	244,	..
<i>Daspoort</i>	..	..	..	120,	..
<i>Modderfontein</i>	..	..	..	326,	..
<i>Roodepoort</i>	..	..	..	165,	..
<i>Hex River</i>	..	..	..	254,	..
<i>Grootvlei</i>	..	..	..	76,	..

*Vereeniging Labour District.\**

The area consisting of the following farms:—

Leeuwkuil .. .. .	No. 334, Heidelberg
Vereeniging Town and Town Lands	„
Steyn .. .. .	No. 357, „
Washington Post .. .. .	358, „
Waldrift .. .. .	92, „
Klipplatdrift .. .. .	336, „
Kookfontein .. .. .	57, „
Rietfontein .. .. .	315, „
Slangfontein .. .. .	121, „
Witkoppie .. .. .	116, „
Witkop .. .. .	66, „
Waterval .. .. .	209, „
Zwaartkopjes .. .. .	262, „

## (B.)—LAW No. 15, 1898.

Coloured person must have pass.	150. Every coloured person of African origin within the boundaries of a public diggings shall be bound to have a monthly pass, which shall be obtainable at the office of the Mining Commissioner or other persons appointed for the purpose, on payment of a sum calculated at 1s. per month, except in cases where Law No. 31 of 1896 is in force.
Penalty.	For every contravention of this Article the offender shall be punished with a fine of five shillings, or, in default of payment, with a number of lashes not exceeding ten.
Where article applicable.	This Article shall apply also to coloured labourers exclusively employed in mining and digging on private unproclaimed land and on private farms where, according to Article 23, a written permit has been obtained, and on land which is worked under concession or mynpacht, and also on Government land and stand townships.

## (C.)—PRETORIA PASS REGULATIONS.

1. The term “Native” in these Regulations shall include every male person above the age of fourteen years, both of whose parents are members of some aboriginal race or tribe of Africa.

The term “Employer” shall, in the case of a company, mean the responsible manager thereof, and if there be no manager, then the person registered as responsible for the control, management, and direction thereof, and in the case of the civil or military services, the officer responsible for the control and management of the native employed; and

The term “Municipality” shall mean the Municipality of Pretoria as defined by the present boundaries thereof, or as may be hereafter defined by extended boundaries.

2. No native shall be allowed to reside or remain within the Municipality of Pretoria after the first day of May, unless he is in *bona fide* employment, or unless he be incapacitated from work by age or infirmity. Residing or remaining in town shall

mean any stay exceeding five days, which the Magistrate or Native Commissioner shall deem and declare to be unnecessary for the purpose of any professed visit.

3. Within seven days after the first day of May and thereafter within twenty-four hours of engaging a native who is intended to reside or work within the limits of the Municipality as aforesaid, every employer shall :—

- (a) Send with a letter, or bring, his native employee to the Municipal Native Pass Office, where such native shall be registered and the employer shall be furnished free of charge with an engagement pass, on which shall be written the particulars required in the form of Schedule "A" attached hereto, which shall, in any Court of law be *prima facie* evidence of the facts therein recorded.
- (b) Obtain from the Municipal Native Pass Office a monthly pass on which shall be recorded the particulars required in the form of Schedule "B" attached hereto. This monthly pass shall be available for any period not exceeding six months nor less than one month from the date of issue, and shall be paid for at the rate of one shilling for each month of its duration by the employer. Any native who has lost his monthly pass shall be liable for payment of the fee on a new one, with which he shall be provided on proof of his identity. Any employer neglecting or refusing to obtain an engagement and monthly pass within twenty-four hours of engaging a native, or to renew the monthly pass within seven days after its expiration, shall be liable to the penalty hereinafter provided.

4. The engagement pass shall be returned to the native on the termination of his engagement, properly dated and signed by his employer, but without other alteration or addition.

5. Every native entering, resorting to, or within the town of Pretoria, and whose presence therein is not necessary for judicial purposes, or required by his employer, or by some authority or circumstance, the sufficiency of which shall be decided by the Magistrate or Native Commissioner, shall be bound to engage himself to some employer in *bona fide* service, or to leave within twenty-four hours of entering the Municipal boundaries of Pretoria, or of being discharged by his employer, as the case may be; provided that any such unemployed or discharged native desirous of seeking an employer may report himself within twenty-four hours as aforesaid at the Municipal Pass Office, where, subject to the provisions of section *eight* of these Regulations, he shall be given a temporary work pass, free of charge, available for four days from the date of issue, and signed by the Municipal Pass Officer. This pass shall be in the form of Schedule "C" attached hereto. Notwithstanding the provisions of this section, any official travelling pass to Pretoria, issued by any pass officer in the Transvaal or other territory, shall be sufficient authority for the lawful holder to be in the town of Pretoria for the period stated in the pass.

6. Any native coming within the following lists of exemptions shall not be required to take out any of the passes hereinbefore provided :—

- (a) Native Police, Prison Warders, or Messengers in uniform in the service of the Government of the Transvaal.
- (b) Any native to whom a letter of exemption has been granted by the Commissioner for Native Affairs.
- (c) Any person who is in possession of a valid certificate of registration granted under Ordinance No. 28 of 1902.
- (d) Any native who is lawfully in possession of a school pass, as defined in section *ten* of these Regulations, and who is *bona fide* attendant at school.

7. Every native shall be bound, upon the demand of any police official, duly authorised municipal official, or native constable, to produce his pass ; or, in the case of those claiming exemption under sub-sections (b), (c), and (d) of the preceding section, his letter of exemption, certificate of registration, or school pass. And any native having no pass, or neglecting or refusing to produce his pass when so called upon, may be forthwith arrested by such police official, municipal official, or native constable without a warrant, and shall be liable to the penalty hereinafter provided.

8. Any native presenting himself at the Municipal Pass Office not being in possession of a proper pass or passport as required by Proclamation No. 37 of 1901, or whose pass is ineffective under these Regulations or out of order, shall be sent to the Native Commissioner, and no municipal pass shall be issued to such native unless upon the authority of the Native Commissioner.

9. Any person who shall take out an engagement or monthly pass for any native who is not in his employment, or whom he does not intend to employ, or who shall aid, abet, or in any way assist any native to evade these Regulations, shall be liable upon conviction to the penalty hereinafter provided.

10. All native children attending school shall carry a school pass, which shall be supplied by the pass officer free of charge on written application from the school authorities. This pass shall record the particulars required in the form of Schedule "D."

11. The Municipal Pass Officer shall be the person authorised by the Town Council, in terms of section *three*, Clause 1, of Ordinance 43 of 1902, to issue passes for natives to be in the public streets between the hours of 9 p.m. and 4 a.m., which passes shall be issued in the form shown in the attached Schedule "E."

12. Any person who shall forge, imitate, alter, or deface any of the passes which, in terms of these Regulations, may have been issued to any native or employer, or who shall unlawfully detain or destroy any native's pass, or make any entry, alteration, name, or mark on the same, or write thereon with the object of misleading the police or municipal officials, or any

other person, or of depriving any employer of the services of native servants, or who shall coerce any native into not complying with the provisions of these Regulations, or into otherwise frustrating the provisions thereof, shall be guilty of a contravention of these Regulations, and shall be liable upon conviction to the penalty hereinafter provided.

13. Any native who shall give or lend any of the passes he may be in possession of under these Regulations to any person shall be guilty of a contravention of these Regulations, and shall be liable upon conviction to the penalty hereinafter provided.

14. Every person guilty of an offence against these Regulations shall, for every such offence, be liable upon conviction before the Magistrate to a penalty not exceeding ten pounds, or in default of payment to any term of imprisonment not exceeding one month if the penalty imposed do not exceed five pounds, and not exceeding six months if the penalty be above five pounds, and such person shall be detained and kept to hard labour if so ordered unless he shall sooner pay the penalty.

15. The Municipal Pass Officer shall furnish a quarterly return in the form annexed, Schedule "F," to the Native Commissioner, Pretoria, showing the number and classification of contracts registered, and the revenue accounted for in respect of monthly passes.

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#### SCHEDULE "A."

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### MUNICIPALITY OF PRETORIA.

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#### ENGAGEMENT PASS.

(Free of Charge.)

Registration No.....  
 Native's kraal name .....  
 Name known by .....  
 Chief or Headman .....  
 Tribal domicile.....District .....  
 Employer's name .....  
 Employer's address .....  
 Period of service .....  
 Wages .....  
 Payable.....  
 Nature of employment .....  
 Date of issue.....

.....  
 Municipal Native Pass Officer.

Native.....has been discharged by  
 me this day.

Date.....

.....  
 Signature of Employer.



## SCHEDULE "B."

## MUNICIPALITY OF PRETORIA.

## NATIVE MONTHLY PASS.

Available for.....months, from date.  
 Expiring on .....  
 Native's kraal name .....  
 Name known by .....  
 No. of engagement pass .....  
 Employer's name .....  
 Employer's address .....  
 Date of issue.....  
 Fee paid .....

.....  
 Municipal Pass Officer.

N.B.—If this pass is not renewed within seven days after its expiration, the employer will be liable to a penalty of £10.

## SCHEDULE "C."

## MUNICIPALITY OF PRETORIA.

## WORK PASS.

Name.....

This pass entitles the above-named native to seek for employment within the limits of the Municipality of Pretoria, from sunrise to sunset, and exempts him from carrying any other Municipal Pass for four days from date hereof.

Date of issue.....

Date of expiry .....

.....  
 Municipal Pass Officer.

## SCHEDULE "D."

## MUNICIPALITY OF PRETORIA.

## NATIVE SCHOOL PASS.

No.....

Name .....

Age .....

Residence .....

School .....

Period .....

Date.....

.....  
 Municipal Pass Officer.

## SCHEDULE "E."

## MUNICIPALITY OF PRETORIA.

## NIGHT PASS.

No.....

Pass Bearer.....in my employ  
at.....to .....

(address of employer)

(state where going)

(and back)\* till.....p.m.

Date.....

.....  
Employer of Bearer.

\* Strike out the words "and back" if not returning.

## SCHEDULE "F."

## MUNICIPALITY OF PRETORIA.

Return of Labour Contracts and Pass Revenue for the  
Quarter ending....."A."—*Labour Contracts.*

## Engagement Passes Issued.

Domestic.	Industrial.	Municipal.	Government.	Total.

"B."—*Pass Revenue.*

Month (1).	Month (2).	Month (3).	Total.
£ s. d.	£ s. d.	£ s. d.	£ s. d.

.....  
Municipal Pass Officer.

## (D.)—MUNICIPAL PASS REGULATIONS.

UNDER GOVERNMENT NOTICE No. 1049, 1904; AMENDED BY  
GOVERNMENT NOTICE No. 144, 1907.

1. (a) The term "Employer" for the purposes of these Regulations shall mean the person registered as such on the passport of the native employed, and in the case of a company shall mean the responsible manager thereof, and if there be no manager, then the person registered as responsible for the control, management, and direction thereof, and in the case of the civil or military services, the officer responsible for the control and management of the natives employed; and  
(b) The term "Native" shall, for the purposes of these Regulations, mean any male person over fourteen years of age, both of whose parents are members of some aboriginal race or tribe of Africa, and shall include any such male person under the age of fourteen years who shall be in search of or obtain employment.
2. No native shall be allowed to reside or remain within the municipality after such date as may be fixed by resolution of the council unless he is in *bona fide* employment, or unless he be incapacitated from work by age or infirmity. "Residing or remaining in town" shall mean any stay exceeding six days, which the Magistrate or Native Commissioner shall deem and declare to be unnecessary for the purpose of any professed visit.
3. Within seven days after such date every native residing or remaining within the municipality as aforesaid shall obtain from the Municipal Pass Office an identification passport in the form of "Schedule A," hereto attached, which shall be issued free of charge. A passport shall contain a complete record by which the native may be identified and his movements traced, and shall in any Court of Law be *prima facie* evidence of the facts thereon recorded.
4. Every native entering the municipality to seek work shall within twenty-four hours report himself at the Municipal Pass Office and obtain a passport, as provided in the preceding section, and shall be allowed six days to enable him to find an employer.
5. Within three days of engaging any native every employer shall :—
  - (a) send with a letter or bring the native employed to the Municipal Pass Office, where the name and address of the employer and the terms of the engagement shall be registered and entered in the passport;
  - (b) obtain from the Municipal Pass Office a monthly pass in the form of "Schedule B," attached hereto, which shall be signed by him. This monthly pass shall be available for any number of months not exceeding three months from the date of issue, and shall be paid for by the native at the rate of one shilling for each month of its duration.

6. Any native who is a daily labourer may, at the discretion of the Municipal Pass Officer, take out a passport, which shall be filed at the pass office. Such native shall then receive a monthly pass, and shall renew the pass monthly upon expiry and pay the fees thereon.

For the purposes of this section of these Regulations the council shall be held to be the employer under section *one* (a) hereof.

7. Native ricksha pullers shall be registered by the ricksha owners, who for all the purposes of these Regulations shall be regarded as the employers.

8. Any employer neglecting or refusing to obtain a monthly pass within the said period of three days, or to renew a monthly pass within seven days after its expiration, shall be guilty of an offence under these Regulations.

9. Upon the engagement of any native, the employer shall retain and be responsible for the safe custody of the passport, and at the termination of his engagement shall return the same to the native, duly discharged in ink. In the event of re-engagement the native shall be taken or sent with a letter to the Municipal Pass Office, and the passport produced to an official in order that such re-engagement may be explained to the native and endorsed on the passport.

At the time of the issue of every monthly pass under these Regulations, and in cases of renewal or of change of employer, the passport must be produced at the Municipal Pass Office.

10. If a native fails to find work within the six days allowed for such purpose under section *four* hereof, or within six days from the date of discharge by his last employer, he shall return to the Municipal Pass Office, and shall, at the discretion of the official in charge of the Municipal Pass Office, be sent to the Government Pass Issuer for a pass either to return home or to proceed to another district.

Any native who desires to return home or to proceed to another district on the completion of his engagement shall present his passport at the Municipal Pass Office for endorsement, and shall thereafter be sent to the Government Pass Issuer for a pass either to return home or to proceed to another district.

11. Any native who fails to comply with the provisions of the preceding section, or who is found within the municipality without a passport, or who remains therein longer than twenty-four hours after he has been given a pass to return home or otherwise, shall be liable on conviction to the penalty hereinafter provided.

12. Any native who—

- (a) is in possession of or makes use of a passport or monthly pass, belonging to another; or
- (b) refuses to give, or gives falsely, any of the particulars for registration upon a passport; or

- (c) falsely states that he has not been previously registered, or makes any other false statement or commits any other act with the object of deceiving any authorised official or of contravening these Regulations ; or
- (d) hands over to any other native his passport or monthly pass hereinbefore described and belonging to himself, shall be deemed to be guilty of contravening these Regulations, and shall be liable on conviction to the penalty hereinafter prescribed.

13. Any native sent by his employer on business beyond the municipality, or who with the consent of his employer travels beyond such limits, shall be provided by such employer with a special permit. Such permit shall not extend beyond three consecutive days, and shall set forth the object for which it is granted and the date of issue.

14. It shall not be lawful for any native to enter or be upon the property of any company or person (unless he be in the employ of such company or person) without the permission of the person in charge of such property, or without having a note from his employer stating the object for which he is on such property ; an open delivery note accompanying goods from a merchant, shopkeeper, or any other tradesman shall be considered as such a note ; and it shall not be lawful for the person in charge of such property to grant permission to enter and be upon such property to any native not in the possession of a proper pass or note as aforesaid.

15. Any native who—

- (a) shall leave the service of his employer with intent to desert before the term of his contract of service with such employer shall have expired ; or
- (b) shall, after having entered into a contract, fail or refuse without lawful cause to commence the service at the stipulated time ; or
- (c) shall without leave or other lawful cause absent himself from his employer's premises or other place proper for the performance of his work ; or
- (d) shall unfit himself for the proper performance of his work by becoming intoxicated ; or
- (e) shall neglect to perform any work which it was his duty to have performed, or shall carelessly or improperly perform the same, or shall refuse to obey any lawful command of his employer or of any person placed in authority over him, or shall by any wilful breach or neglect of duty do any act tending to the immediate loss, damage, or serious risk of any property placed by his employer in his charge, or shall use any abusive language to his employer or to any person placed in authority over him, shall be guilty of an offence under these Regulations, and, after having satisfied the sentence imposed on him, he shall, if his employer so desire, be ordered to return to work and to complete the term of his contract.

16. In the event of the desertion or death of any native, his employer shall within six days return his passport to the Municipal Pass Office with particulars of the date of such desertion or death and cause of death. Such desertion or death shall be registered in a book kept for that purpose.

17. Any native who has lost or defaced his passport or monthly pass may apply to the Municipal Pass Office for a new one, which shall be supplied upon payment of the fee of one shilling, provided that the identity and *bona fides* of the applicant have been established as required by section *twenty-one* of these Regulations. If the loss or defacement of the passport be due to the employer, the latter shall pay the aforesaid fee.

18. Any person who shall illegally withhold a passport from a native on the termination of his engagement or shall engage any native who has been longer than six days out of work, or whose passport is not duly discharged by his previous employer, or shall defraud any native of his wages, or shall harbour any native who is not in his employ, or shall tamper in any way with a passport or monthly pass belonging to a native, or shall issue passes or permits to any native not in his employ, or shall register himself as the employer of a native unless it is his *bona fide* intention to employ such native, shall be guilty of an offence under these Regulations.

19. Any native coming within the following list of exemptions shall not be required to take out any of the passes hereinbefore provided :—

- (a) Native Police, Prison Warders, or Messengers in uniform in the service of the Government of the Transvaal, provided that such Native Police, Prison Warders, or Messengers in uniform are in possession of a certificate of employment signed by the head of the department to which they belong.
- (b) Any native to whom a letter of exemption has been granted by the Commissioner for Native Affairs.
- (c) Any person who is in possession of a valid certificate of registration granted under Ordinance No. 28 of 1902.

20. Every native shall be bound upon the demand of any police official, duly authorised municipal official, or native constable, to produce his passport or pass ; or, in the case of those claiming exemption under sub-sections (a), (b), and (c) of the preceding section, his certificate of employment, letter of exemption, or certificate of registration. And any native having no passport or pass, or neglecting or refusing to produce his passport or pass when so called upon, may be forthwith arrested by such police official, municipal official, or native constable without a warrant, and shall be liable to the penalty hereinafter provided.

21. Any native presenting himself at the Municipal Pass Office not being in possession of a proper travelling pass or endorsed passport, or whose passport or pass is ineffective under

these Regulations, or out of order, shall be sent to the Native Commissioner or Government Pass Issuer, and no municipal pass shall be issued to such native unless upon the authority of the Native Commissioner or Government Pass Issuer.

22. In the event of an employer desiring to transfer a number of natives from one municipality to another, it shall be competent for such employer instead of taking all the natives to the pass office in person to transmit to the Municipal Pass Officer in triplicate an application for such transfer, with the names of the natives proposed to be transferred appended thereto, together with their passports and monthly passes. Such application shall thereupon be endorsed by the Municipal Pass Officer, and one copy retained at the pass office, one copy handed to the employer for production to the Government Pass Issuer, and the third copy transmitted by the Municipal Pass Officer to the municipality to which the natives are to be transferred. Upon production of such endorsed application from any municipality, it shall be lawful for the Municipal Pass Officer to issue to an employer the necessary passports and monthly passes without requiring the presence of the natives.

23. Every person guilty of an offence under these Regulations shall for every such offence be liable upon conviction before the Magistrate to a penalty not exceeding ten pounds, or in default of payment to imprisonment with or without hard labour for a period not exceeding three months.

24. The Municipal Pass Officer shall furnish a quarterly return in the form of Schedule "C," hereto attached, to the Commissioner for Native Affairs, showing the number of passports issued, the number and classification of contracts registered, and the revenue accounted for in respect of passports and monthly passes, and also the number of natives employed on the last day of the quarter.

SCHEDULE "A".

NATIVE IDENTIFICATION PASSPORT (TO BE HELD BY EMPLOYER).

Registered No.....

Name (Native).....

No.....

Stamp.

Municipality.

Name known by.....

N.B. The 6 columns below are for the use of the Pass Office only. The particulars of these three columns are to be filled in in ink by the employer only.

Father's Native name.....

Tribe and Chief.....

Place of Residence.....

Date of Issue.....

No. of Contract.	Name of Employer.	Address of Employer.	Period of Service.		Rate of Pay.	Date of Discharge.	Character.	Employer's Signature on Discharge.
			From	To				
1.								
2.								
3.								
4.								
5.								
6.								

1. Within three days of engaging a native the employer must have his name and address registered at Pass Office.
2. Employer must sign discharge and surrender passport to native on completion of Contract.
3. It is not lawful to engage a native who has been longer than 6 days out of work.
4. Death or desertion must be reported at Pass Office within six days.



ENDORSEMENT FOR TRANSFER OR RETURN HOME.

To proceed to	Date.	Signature.	Stamp.

SCHEDULE "B".

---

.....Municipality.

NATIVE MONTHLY PASS. PASSPORT No.....

available for.....months from date expiring  
on.....

Name (Native).....Name known by.....

Employer's name and address.....

.....

Fee paid .....

.....

Municipal Pass Officer.

Signature of Employer .....

## SCHEDULE "C".

.....Municipality.

Return to Commissioner for Native Affairs for Quarter  
ending.....190....

(1) No. of Passports issued.....

(2) Labour Contracts Registered.

Domestic.	Industrial.	Municipal.	Government.	TOTAL.

## (3) PASS REVENUE.

Month (1)	Month (2)	Month (3)	TOTAL.

(4) No. of natives employed on the last day of the  
quarter.....

.....  
Municipal Pass Officer.

## (F.)—NIGHT PASSES ORDINANCE, No. 43, 1902.

Be it enacted by the Lieutenant-Governor of the Transvaal  
with the advice and consent of the Legislative Council thereof  
as follows :—

1. This Ordinance shall apply to :

Appli

(a) The area within the local limits of the jurisdiction of  
every town council or health board.

\*(b) Every area within which the Lieutenant-Governor may  
by Proclamation published in the *Gazette* declare it  
to be in force.

\* *Vide* page 160 for areas proclaimed hereunder.

- on of e." 2. In this Ordinance "Native" shall include every person belonging to any of the aboriginal races or tribes of Africa south of the Equator and every person one of whose parents belongs to any such race or tribe as aforesaid.
- not to within hours passes. 3. (1) Any native found in any street public place or thoroughfare within any area to which this Ordinance applies between the hours of 9 p.m. and 4 a.m. without a written pass or certificate from his employer or some person duly authorised by the town council or health board or in areas where there is no such town council or health board some person authorised by the Lieutenant-Governor shall be liable to a fine not exceeding ten pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding three months.
- (2) Any person who not being the *bona fide* employer of any native or a person authorised under this section who may sign or issue any pass or certificate to such native shall be liable upon conviction to a fine not exceeding one hundred pounds or to imprisonment with or without hard labour for a period not exceeding twelve months.
- ion. 4. This Ordinance shall not apply to any person relieved from the operation of the Pass Law by Proclamation Transvaal No. 35 of 1901 or Ordinance No. 28 of 1902.
- apply ions. 5. Nothing in this Ordinance contained shall prevent the residents in any location from being in the streets public places or thoroughfares in such location between the hours aforesaid.
- itle. 6. This Ordinance may be cited as "The Natives' Night Passes Ordinance 1902."









## ***Resident Justices of the Peace.***

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Native Commissioners and Sub-Commissioners all hold the appointment *ex officio* of Resident Justice of the Peace within the district for which they are appointed, excluding therefrom an area of twenty miles from the Court of the Resident Magistrate for the district. (Ordinance 3, 1902, section *three*).

The excluded area has a radius of twenty miles in a straight line on a horizontal plane. (Proclamation No. 15, 1902).

The jurisdiction and duties conferred upon Resident Justices of the Peace are laid down by Ordinance No. 19 of 1904.

Before acting in either *ex officio* capacity of Resident Justice of the Peace or Justice of the Peace, the Native Commissioner is required to take the oaths of allegiance and of office as prescribed by law.

Monthly returns of cases adjudicated by Native Commissioners and Sub-Commissioners in the capacity of Resident Justice must be transmitted to the Magistrate of the district, as well as to the Commissioner for Native Affairs.

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### ORDINANCE No. 19, 1904.

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*To consolidate the Law as to the appointment and jurisdiction of Resident Justices of the Peace and Justices of the Peace.*

Be it enacted by the Lieutenant-Governor of the Transvaal with the advice and consent of the Legislative Council thereof as follows :—

#### PRELIMINARY.

1. The laws mentioned in the First Schedule hereto shall be and are hereby repealed to the extent set forth in the second column thereof together with so much of any other law as may be repugnant to or inconsistent with the provisions of this Ordinance. Repeal of Laws.

#### RESIDENT JUSTICES OF THE PEACE.

2. The Lieutenant-Governor may from time to time appoint fit and proper persons to be Resident Justices of the Peace and every such Resident Justice of the Peace shall have and exercise the powers jurisdiction and duties conferred and imposed by this Ordinance or by any other law within an area which may be from time to time defined by Proclamation in the *Gazette*. The Lieutenant-Governor may remove any person so appointed from his office. Power to Lieutenant-Governor to appoint Resident Justice of the Peace



Resident Justices of the Peace appointed before passing of Ordinance to be deemed to have been appointed under this Ordinance.

Places at which Courts of Resident Justices of the Peace to be held.

3. Every Resident Justice of the Peace appointed under the provisions of Law No. 7 of 1894 and acting as such at the date of the passing of this Ordinance shall be deemed to have been appointed under this Ordinance and any Proclamation defining the area of jurisdiction of such Resident Justice of the Peace and issued under the said Law shall be deemed to have been a Proclamation issued under the last preceding section.

4. Every Resident Justice of the Peace shall hold a Court for the exercise of the jurisdiction by this Ordinance conferred at such fixed place within the area defined as aforesaid as the Lieutenant-Governor may from time to time prescribe and may hold such Court for the exercise of such jurisdiction at places other than such fixed place aforesaid whenever it shall appear necessary or expedient so to do.

Officers of Court of Resident Justices of the Peace.

5. The Lieutenant-Governor may appoint to any Court of Resident Justice of the Peace a Messenger thereof and whenever it shall appear necessary a Clerk thereof and every such Messenger or Clerk so appointed shall subject to the provisions of this Ordinance have respectively the same powers and be subject to the same duties as are conferred and imposed on Messengers or Clerks of Courts of Resident Magistrates. Any Messenger or Clerk appointed to the Court of a Resident Justice of the Peace established under the provisions of Law No. 7 of 1894 and acting as such Messenger or Clerk at the date of the taking effect of this Ordinance shall be deemed to have been appointed under this Ordinance.

Oaths of office by Resident Justice of the Peace.

6. Every person appointed a Resident Justice of the Peace shall before exercising any of the functions of his office take the oath of allegiance and oath of office set forth in the Second Schedule hereto before the Resident Magistrate of the district in which his area of jurisdiction is situate; provided always that it shall not be necessary for any person who has been appointed a Resident Justice of the Peace under Law No. 7 of 1894 and who shall be acting as such at the date of the taking effect of this Ordinance to take the oaths prescribed by this section.

Jurisdiction of Resident Justice of the Peace in criminal cases.

\*7. Every Resident Justice of the Peace shall have jurisdiction in respect of the crimes and offences mentioned in the Third Schedule hereto and in respect of no other crime or offence whatever unless jurisdiction to try such crime or offence be specially conferred by any law hereafter enacted;† provided that it shall not be lawful for any Resident Justice of the Peace to punish any offender in any higher or more severe manner than by a fine not exceeding twenty-five pounds or by imprisonment with or without hard labour for a period not exceeding one month or by both such fine and such imprisonment.

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\* For instance in which special jurisdiction is given to Resident Justice to try other offences and to impose punishments higher than are mentioned in this section, see Ordinance 6 of 1906. Part VI.

8. (1) It shall be lawful for any person who shall be convicted by any Resident Justice of the Peace to appeal against any such conviction and any sentence thereon to the Resident Magistrate of the district in which the area of jurisdiction defined as aforesaid is situate. Appeals to Resident Magistrate against convictions or sentences of Resident Justice of the Peace.
- (2) Any such person wishing to appeal as aforesaid shall proceed with such appeal within three days after any sentence imposed upon such conviction by sending to or delivering to such Resident Justice of the Peace a written statement setting forth the grounds upon which such appeal is based.
- (3) Such Resident Justice of the Peace shall forthwith after receipt of such written statement aforesaid forward the same together with the records of the case to the Resident Magistrate of his district.
- (4) Such Resident Magistrate shall as soon as possible proceed to hear and determine such appeal and may confirm set aside alter or reduce any such sentence imposed as aforesaid as justice shall require.
- (5) The execution of any sentence of imprisonment imposed by a Resident Justice of the Peace shall be suspended on the noting of any appeal under this section until the determination thereof if the person sentenced shall give reasonable bail to surrender himself to undergo imprisonment either as originally imposed or as reduced by the Resident Magistrate under the powers of this section in the event of the sentence not being set aside on such appeal.
- (6) The term "Resident Magistrate" in this section shall not include an Assistant Resident Magistrate.

9. In the exercise of any jurisdiction conferred upon a Resident Justice of the Peace under this Ordinance or any other law such Resident Justice of the Peace shall save as otherwise expressly provided in this Ordinance observe the provisions of the Magistrates Court Proclamation 1902 and any amendment thereof and any rules made thereunder so far as the same shall be applicable. Procedure by Resident Justices of the Peace as in Courts of Resident Magistrate.

10. Every Resident Justice of the Peace shall within the Magisterial district in which his area of jurisdiction is situate be deemed and taken to be a Justice of the Peace appointed under section *eleven* of this Ordinance and shall have and exercise all the powers and duties conferred and imposed on Justices of the Peace by section *twelve* and shall also be deemed to be a person appointed to solemnise marriages between coloured persons under Article *two*† of Law No. 3 of 1897 within the area of his jurisdiction defined as aforesaid. Every such Resident Justice of the Peace shall further have and exercise all powers and duties of an administrative nature conferred and imposed on Resident Justices of the Peace by any law for the time being in force.\* Resident Justice of the Peace to be *ex officio* Justice of the Peace and marriage officer for natives.

\* For such administrative powers see Law 12 of 1895, section 18; Gao Regulations (March 1904); Ordinance 38 of 1904, section 4 (1); Ordinance 46 of 1904, section 5.

† For fee payable on such marriages, see now Ord. 39 of 1904, sect. 3.

## JUSTICES OF THE PEACE.

Appointment  
of Justices of  
the Peace.

11. The Lieutenant-Governor may from time to time appoint fit and proper persons to be Justices of the Peace for the whole Colony or for any district of the Colony and may remove any person so appointed from his office.

Powers duties  
and jurisdic-  
tion of Justices  
of the Peace.

12. Every Justice of the Peace shall be authorised and is hereby required to administer oaths and take solemn declarations in matters where statements upon oath or solemn declarations are required by law or when otherwise requested so to do and further to exercise all powers jurisdictions and duties conferred and imposed on Justices of the Peace by any law which may be in force from time to time.

Justices of the  
Peace  
appointed  
before this  
Ordinance.

13. Every Justice of the Peace appointed at the date of the passing of this Ordinance under Law No. 7 of 1894 or Proclamation No. 7 of 1901 and acting as such at the said date shall be deemed to have been appointed under this Ordinance and shall be exempt also from the provisions of the next succeeding section.

Oaths of  
allegiance  
and office  
by Justice  
of the Peace.

14. Every Justice of the Peace shall before exercising any functions of his office take the oath of allegiance set forth in the Second Schedule hereto before the Resident Magistrate of the district in which he shall reside.

Title and  
operation.

15. This Ordinance may be cited as The Resident Justices of the Peace and Justices of the Peace Ordinance 1904 and shall take effect from and after the first day of September 1904.

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FIRST SCHEDULE.

<i>Laws Repealed.</i>	<i>Extent of Repeal.</i>
Law No. 7 of 1894 .. ..	.. The whole.
Proclamation No. 7 of 1901 .. ..	.. The whole.
Ordinance No. 15 of 1902 .. ..	.. The whole.

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SECOND SCHEDULE.

*Form of Oath of Allegiance.*

I .....do sincerely promise and swear that I will be faithful and bear true allegiance to His Majesty King Edward VII. His Heirs and Successors according to Law.

SO HELP ME GOD.

.....

*Forms of Oath of Office.*

## Resident Justice of the Peace.

I .....do promise and swear that I will faithfully and diligently execute to the best of my ability the several duties of the office of Resident Justice of the Peace and will be just and equitable in such office and will do right to all manner of people after the Laws of this Colony without fear affection favour or ill will.

SO HELP ME GOD.

.....

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## THIRD SCHEDULE.

\*Contraventions of Law No. 5 of 1880 (Fish Preservation Law) and any amendment thereof.

Contraventions of Law No. 13 of 1880 (Master and Servants Law) and any amendment thereof.

Contraventions of Law No. 15 of 1880 (Forest Preservation Law) and any amendment thereof and any Regulations made thereunder.

Contraventions of Law No. 21 of 1895 (Squatters Law) and any amendment thereof.

Contraventions of Laws relating to Pounds.

Contraventions of any Law for the prevention and suppression of vagrancy.

†Contraventions of Game Preservation Ordinance 1902 and any amendment thereof and any Regulations made thereunder.

Contraventions of the Native Pass Laws and any Regulations made thereunder.

‡Contraventions of the Diseases of Stock Ordinance 1902 and any amendment thereof and of any Regulations made thereunder.

||Contraventions of Native Tax Ordinance 1902 and any Regulations made thereunder.

Contraventions of section *sixty-six* of Ordinance No. 32 of 1902.

Contraventions of Natives' Night Passes Ordinance 1902.

Contraventions of any bye-laws or regulations made by any Local Authority or of the Town Regulations 1899.

Assaults where no dangerous wound is given and no dangerous weapon is used.

Thefts of any nature other than stock theft where the value of property stolen does not exceed five pounds and any attempt to commit such offence.

Receiving stolen property (other than stock) where the value of the property stolen does not exceed five pounds.

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\* See now Ordinance 5 of 1906.

† See now Ordinance 6 of 1905.

‡ See Ordinance 38 of 1904.

|| See Ordinance 20 of 1906.













## ***Squatters.***

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The settlement of natives on the land for purposes of residence and cultivation—usually termed squatting—is regulated as regards private farms by the terms of the Squatters Law, No. 21, 1905, the operation of which was extended to mission stations, other than those recognised as native locations by Volksraad Resolution, Art. 1479, of the 3rd October, 1895.

As regards squatting on Crown Lands, the prohibition of this practice by the late Government (Volksraad Resolution, Art. 359, 10th June, 1891) has not been enforced, and the use of Crown Lands by natives already settled has now been regulated and brought under control by Executive Council Resolution.

Native squatters on Crown Lands are charged rent at the rate of £1 per annum for each adult male. This rent covers the right to reside and cultivate on Crown Land, together with the right to sufficient wood and water for domestic purposes and the right of grazing stock. The conditions of occupation are:—

- (1) Permission and agreement as between landlord and tenant.
- (2) Should either party wish to terminate the agreement notice shall be given in terms of section *eight* of the Squatters Law 21 of 1895, provided that in any case a native shall have the right to reap his standing crops.
- (3) Should the Government wish to sell or lease a Crown farm occupied by natives, it cannot guarantee another occupation permit.

The squatting of natives in Crown Forests is prohibited by section *seventeen* of Government Notice No. 5, 1881.

The squatting in the Transvaal of native tribes from beyond the borders is prohibited by Government Notice No. 50, 1881.

Ordinance No. 13, 1906, section *two*, provides for the removal of trespassers from Crown Lands.

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### \*THE SQUATTERS LAW No. 21 OF 1895.

Whereas it has been found necessary to take measures for the prevention of the spread of infectious and contagious diseases, the preservation of a good general state of health in the Republic, for the safeguarding of its population, the encouragement of free

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\* Attention was invited to the terms of this Law by Government Notice No. 992, 1903.

labour and the protection of fixed property, to check the squatting, living or congregating of natives or other coloured persons in places other than those appointed for them by the Government, it is hereby provided as follows :—

First Volks-  
raad decides  
about  
Locations.

1. If, besides the locations and other places already appointed by the Government for the residence of natives, further locations may be required, the Government shall make request for the same to the First Volksraad.

Not more than  
five native  
householders  
allowed  
on private  
property.

Government  
may dispense  
with this  
provision.

2. Outside the locations or places already appointed or to be appointed in terms of Art. 1 not more than five native families may live together on private properties, and such natives shall be inhabitants or hired servants under white persons who shall

be responsible for and supervise the health and safety of such natives. The express consent of the Government acting on the proposal of the officials concerned shall be necessary before a larger number of families shall be allowed to live together.

Larger  
number of  
households  
may live to-  
gether when  
owner has  
more farms  
than one.

3. Every white owner of a farm shall have the right to keep five coloured families as servants under him for each farm owned by him; with this proviso, however, that such families shall be kept subject to the provisions of Art. 2, and on condition, further, that an owner of more than five farms may not keep more than twenty-five households on one farm.

Rights of  
white lessees  
and bywoners.

4. Every white person of full age living on a farm as lessee tenant or "bywoner" shall have the same right as the owner to keep five families, provided the owner permits it.

What is  
understood by  
one farm.

5. Every portion of a farm, provided it is separately transferred to the name of a white owner, shall be considered as a farm for the purposes of this Law, provided, however, that portions of the same farm transferred to the same person, even if separately transferred, shall only be considered as one farm.

Government  
may grant  
dispensation.

6. The number of families mentioned in Arts. 3, 4, and 5 may not be exceeded except with the express consent of the Government, acting on the proposal of the officials concerned.

Permit to  
natives.

7. Every owner, hirer or inhabitant shall give a written permit to reside to the heads of the families which he keeps under the provisions of this Law, showing the place where they may establish themselves, provided it is on his own ground, or, with the consent of the owner, on the ground of another.

Every person who gives a permit to reside to more families than he is entitled to, shall be fined in a sum not exceeding £10 for every such family.

Every head of a coloured family living on a farm without such permit to reside shall be considered as a vagabond, and shall be subject to a fine not exceeding £10 or imprisonment for a period not exceeding one month, and on repetition of the offence to lashes not exceeding ten in number.

All coloured persons living on a farm without a lawful permit to reside shall be removed by the Commissioner or Sub-Commissioner as soon as such comes to his knowledge.

8. Coloured persons who, under the provisions of this Law, live on private properties may only depart, unless a special agreement has been come to thereon, after having given three months' notice both to the owner or tenant of the farm and to the Commissioner or Sub-Commissioner, or in case of the absence of such owner or tenant, to the aforesaid official, who shall then, if possible, give notice to the owner of the ground.

Coloured persons who wish to leave such residences must give three months' previous notice.

A coloured person contravening this Article shall be punished by a fine not exceeding £10 or imprisonment for a period not exceeding one month.

Penalty.

A similar notice of three months shall be given by the owner or tenant to any native lawfully kept by him, whom he does not wish to remain any longer; but in any case such coloured person shall have the right to harvest his standing crops.

Three months' notice to coloured person.

9. On farms owned or possessed by natives, as well as on farms belonging to white persons, a number of families not exceeding five shall be allowed, and these families shall receive their written permit to reside from the Superintendent of Natives, and shall not in that case fall under the provisions of Art. 7 of this Law.

Rules about farms belonging to natives.

10. Law No. 11 of 1887 is hereby repealed.

Repealing clause.

11. This Law shall come into operation on the 1st January, 1896.

Operation.

#### FIRST VOLKSRAAD RESOLUTION, 3RD OCTOBER, 1895.

Art. 1,479 : Section *one* (of the report on the labour question) with the recommendations is approved.

One of the recommendations reads as follows :—With regard to the inclusion of mission stations under the operation of the Squatters Law, your Commission is informed by the Government that some of the old stations were recognised by the previous Government, and notice was given to them thereafter to transfer their ground as locations to the name of the Superintendent of Natives. Several of these stations have complied therewith, and your Commission recommends the Government to direct such old recognised stations, where they have not already done so, to comply with the terms of the above notice. Failing to do so, such stations, like all other stations, shall fall under the provisions of the Squatters Law.

Mission Stations included under Squatters Law.

Your Commission does not think it possible to bring the old recognised stations which have complied with the terms of the above notice, or which do so without delay, within the provisions of the Squatters Law.

At the same time your Commission suggests that the Government direct a list of such old recognised stations with all particulars to be laid before this Raad.

## ORDINANCE No. 13, 1906.

Penalty for  
trespassing on  
and refusing  
to depart  
from Crown  
land.

2. Any person found trespassing upon Crown Land may be required by any Resident Magistrate Assistant Resident Magistrate Justice of the Peace or police officer or constable or by some person acting under the authority of the Commissioner of Lands to forthwith quit such land and take with him all goods and persons brought by him thereon and to state his name and ordinary place of abode and any person who shall upon such requirement aforesaid refuse to depart or delay his departure therefrom with all such goods and persons aforesaid or refuse to state his name and ordinary place of abode shall upon conviction be liable to a fine not exceeding twenty pounds and in default of payment to imprisonment with or without hard labour for a period not exceeding one month or to such imprisonment without the option of a fine and all reasonable force may be used by any such officer aforesaid to effect such immediate departure.

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## **Stock.**

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### DISEASE.

Under the Diseases of Stock Ordinance No. 17 of 1902 Ord. 17, 190 numerous regulations have from time to time been published, restricting the introduction of stock into, and the movements of stock within, the Transvaal.

The following Regulations for preventing the spread of Rhodesian Redwater were published under Government Notice No. 701 of 1904 :—

### REGULATIONS.

No person shall cause any cattle to be removed from an infected area to any place outside such area or from any place outside to any place within such area, unless he shall have the license of the Commissioner of Lands so to do. Such license shall state the number of cattle which may be moved, the particulars thereof, and may impose conditions as to such removal. No person shall move a larger number of cattle than is authorised by such license.

2. Any person authorised to move cattle under the last preceding Regulations shall move such cattle along the stock routes prescribed by the Commissioner of Lands.

3. Before any such removal of cattle as aforesaid shall take place the holder of such license shall cause such cattle to be washed with a dip to be approved by the Director of Agriculture, and after such removal such person shall cause such cattle to be again washed with the said dip, and after an interval of ten days from such last-mentioned dipping to be again washed with the said dip.

(Whenever dipping tanks have been provided by the Commissioner of Lands, such cattle shall be dipped in such tanks instead of being washed with dip as aforesaid.)

4. All washing or dipping under the last preceding Regulation shall be performed at places appointed by the District Veterinary Surgeon and under the supervision of a person named by him.

5. No person shall move any cattle within an infected area to any other part of that area except under a license to be obtained in every case of such removal from the Resident Magistrate on the recommendation of the District Veterinary Surgeon ; such license shall state the number of cattle which is authorised to be moved and the particulars thereof, and may impose conditions as to such removal.

6. If any cattle within the infected area shall die or shall be sold, the owner or person in lawful possession of the same shall report such fact to the office of the Resident Magistrate at the earliest possible time, and shall at the same time present his license to the Resident Magistrate for alteration, who shall, on making any alteration, act upon the recommendation of the District Veterinary Surgeon.

7. If the owner of any cow, heifer, or calf within the infected area desires to slaughter any such animal, he shall apply to the Commissioner of Lands for a permit, issuable under section *two* of Ordinance 24 of 1903.

8. Subject to the provisions of these Regulations, relating to the obtaining of licenses and to dipping, any owner or purchaser of cattle within the infected area may, if he shall have obtained such a permit as is mentioned in the last preceding Regulation, slaughter such cattle outside the infected area, but such cattle shall be slaughtered within ten days after removal from the infected area.

9. No cattle to be removed for slaughter under the last preceding Regulation shall be moved outside the infected area unless conveyed by railway, or if there shall be no railway, by a mode of transit prescribed by the Commissioner of Lands.

10. Nothing in these Regulations contained shall apply to cattle in course of transit through the infected area by rail, and destined immediately to a place outside the infected area.

11. Any person contravening any of these Regulations, or any condition of a license issued thereunder, shall be guilty of an offence, and shall be liable on summary conviction to a fine of fifty pounds, or, in default of payment of the same, to imprisonment, with or without hard labour, for a period not exceeding six months.

12. In these Regulations the term "infected area" shall mean each and every district of the Colony.

The following additional Regulation was published under Government Notice No. 1124 of 1906 :—

#### REGULATION.

When any person shall be found removing or causing to be removed or to have removed or to have caused to be removed any cattle from an infected area to a place outside such area or from a place outside an infected area to a place within such area or from one place to another within an infected area without the permit or license for removal prescribed by any regulation for the time being in force or when any person shall refuse or fail to produce the license or permit to remove cattle required by any regulation for the time being in force, then any Magistrate, Native Commissioner or Sub-Commissioner, Justice of the Peace, police officer or constable, or any officer of the Department of Agriculture may seize and detain any cattle the subject of such removal, and take the same to a place of isolation, and shall thereupon report all the circumstances to the Commissioner

of Lands, who may order any cattle seized and detained as aforesaid to be slaughtered or otherwise dealt with in manner prescribed by him.

Further provision is made with regard to the diseases of stock by the Cattle Disease Ordinance No. 38, 1904.

### THEFT.

The Stock Theft Ordinance No. 6 of 1904 contains a section treating of the purchase of stock from coloured persons as follows :— Ord. 6, 1904.

29. No one may acquire stock by purchase barter or in any other way from coloured persons or from persons having no known place of habitation without a certificate from a Justice of the Peace or two residents of substantial means of the neighbourhood in which the transaction takes place certifying that the transferor is entitled to transfer such stock.

### BRANDING.

The following provisions of the Great Stock Brands Ordinance No. 15 of 1904 have special reference to native cattle :— Ord. 15, 1904.

16. The Resident Magistrate shall allot a brand to every native location established or to be established within his district and shall register the same ; and the said brand and no other shall be imprinted on great stock the property of natives who are resident in such location and for so long a time as they remain resident there. Brands for Locations.

The first character of all such brands shall be a dagger and of the remaining characters the one shall be a numeral and the other shall be the initial letter of the name of the location such dagger numeral and letter shall be not less than one and a quarter inches in height.

17. The Resident Magistrate may on the recommendation of the Native Commissioner for the district allot a brand to the headman of any native family or stad to be used for the great stock the property of the members of such family or stad. For headmen.

18. All distinctive marks shall be of such a shape and character as the Resident Magistrate may direct ; and such distinctive marks and no others shall be used for the purpose for which they are allotted. Distinctive marks for Natives in Locations.

19. Every native in any location or in any family or stad having a common brand may before using any distinctive mark notify his intention of doing so to the Native Commissioner for the district in which such mark is intended to be used. And such Commissioner shall register the said mark in a book to be kept by him for the purpose ; but he may in the case of two or more natives notifying the same distinctive marks allot such Notification by natives intention to use distinctive marks.

modification thereof to one or more of such owners as shall render all such marks dissimilar; provided that:

- (1) no distinctive mark shall be allotted to any person who is not resident in a native location or in such native family or stad;
- (2) the right to use such distinguishing mark shall lapse with the surrender transfer or cancellation thereof or the removal of the owner of the mark from the location native family or stad.

20. All brands allotted to natives resident in native locations shall be in italic or running letters

In this Ordinance the term "Native Commissioner" includes Sub-Commissioner.

By Government Notice No. 1346 of 1906, the following Regulation under the Brands Ordinance was published:—

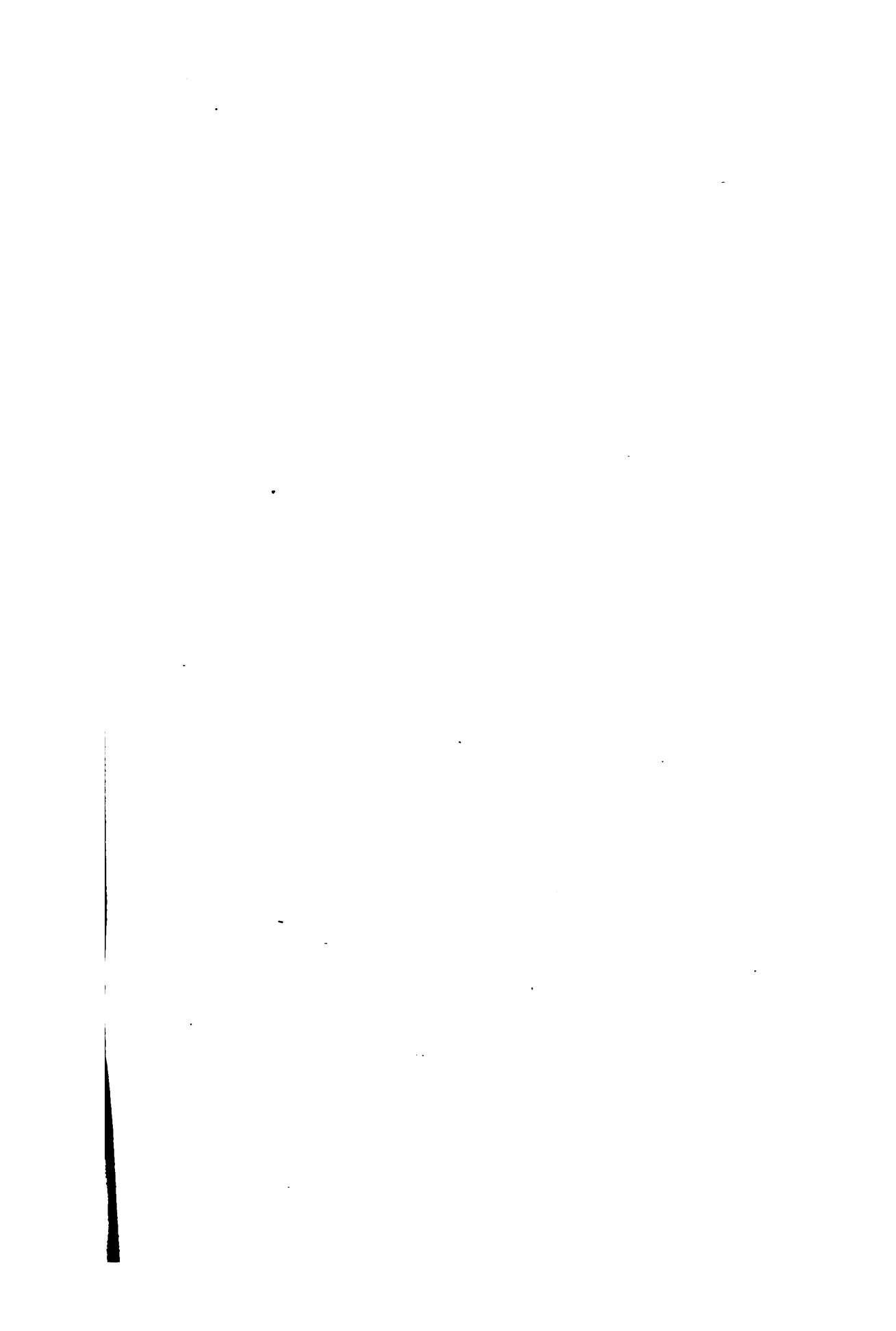
#### REGULATION.

Every Magistrate shall, upon application made to him or whenever it may seem to him expedient, allot and register to the induna or headman of every native stad, kraal, or family outside a defined native location a separate brand to be used for the great stock the property of the members of such stad, kraal, or family, and every such brand shall consist of two letters and one numeral of an italic pattern, and the first of the letters shall indicate the magisterial district in which the brand is to be used.

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#### TRESPASS.

For provisions regarding the trespass of stock and resultant damage, see the Pound Law, No. 2 of 1882.











## ***Succession.***

Provision for succession in intestate native estates according to tribal usages is made by sections *seventy* to *seventy-two* of the Administration of Estates Proclamation No. 28, 1902, in cases where the deceased native had himself only contracted—or was the offspring of—a native marriage.

Section *sixty-eight* of Proclamation No. 28, 1902, as amended, and section *three* of Ordinance No. 15, 1905, under which the Master of the Supreme Court has considerable discretion in the administration of petty estates, may also conveniently be referred to.

### PROCLAMATION No. 28, 1902.

70. If any native who shall not during his lifetime have contracted a lawful marriage or who being unmarried shall not be the offspring of parents lawfully married shall die intestate his estate shall be administered and distributed according to the customs and usages of the tribe or people to which he belonged ; and if any controversies or questions shall arise among his relatives or reputed relatives regarding the distribution of the property left by him such controversies or questions shall be determined in the speediest and least expensive manner consistent with real and substantial justice according to native usages and customs by the Commissioner for Natives of the district in which the deceased ordinarily resided at the time of his death who shall call or summon the parties concerned before him and take and record evidence of such native usages and customs which evidence he may supplement from his own knowledge ; and every decision of a Commissioner for Natives under this section shall be subject to an appeal to the Supreme Court at the instance of any person alleging an interest in the distribution of such property.

When estate of native to be dealt with according to usage of his tribe.

71. Letters of administration from the Master shall not be necessary for nor shall the Master be called upon to interfere in the administration and distribution of the estate of any such native unless the Commissioner for Natives shall report that it is the desire of the persons concerned in the estate according to native usages and customs that an executor dative should be appointed.

Letters of administration not necessary unless persons interested so desire.

72. For the purpose of the last two preceding sections the word "native" shall mean and include any person belonging to any of the aboriginal races or tribes of Africa south of the Equator or any person one of whose parents belongs to any such race or tribe.

Meaning of the word "native."

SECTION *SIXTY-EIGHT*, AS AMENDED BY SECTION  
*FIVE*, ORDINANCE 15, 1905.

When master  
may summarily  
appoint  
executor  
dative.

68. In all cases in which it shall appear from the death notice or inventory filed in respect of the estate of any deceased person and from such other information as the Master may call for that the value of the assets of such estate does not exceed two hundred pounds it shall be lawful for the Master in the case of an intestate estate (or in the case of a testate estate in which the executor testamentary may be unable or unwilling to act) summarily and without observance of the usual and customary forms to appoint an executor dative to administer the estate of such deceased person.

ORDINANCE No. 15, 1905.

Master may  
dispense with  
appointment  
of executor in  
estates of  
small value.

3. It shall be lawful for the Master to dispense with the appointment of an executor in estates not exceeding the value of one hundred pounds and to direct how such estate shall be administered.









## **Taxation.**

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The special taxes payable by natives were consolidated in an annual poll tax by Ordinance No. 20 of 1902, which has been amended by Ordinance No. 20 of 1906. Regulations under the Native Tax Ordinance were published by Government Notice No. 3 of 1907.

Land taxes are payable by natives in the same manner as by Europeans—Law 4, 1899. Farm taxes.

The Direct Taxes Law No. 11 of 1896 empowers Sub-Native Commissioners to collect taxes from natives residing on private property, and also to issue duplicate tax receipts at a charge of one shilling.

Contraventions of the Dog Tax Law No. 3 of 1891 by coloured persons were brought within the jurisdiction of Native Commissioners and Sub-Commissioners by Volksraad Resolution, Art. 688, of 29th June, 1898. Dog tax.

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### LAW No. 11 OF 1896.

2. The Sub-Commissioners of Natives shall have the right within their respective jurisdictions to collect taxes from natives residing on private property, and not on beaconed-off locations. Natives.

5. Should a receipt be lost or mislaid, the Receiver of Taxes shall issue a duplicate to the applicant upon payment of a stamp of one shilling, which stamp shall be affixed to the duplicate receipt and cancelled. Lost Receipts.

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### LAW No. 4 OF 1899.

1. The registered owner or owners of a loan farm (leenings-plaats), or portion thereof, or piece of land situate beyond the boundaries of a proclaimed township or stands township, shall yearly pay therefor as land tax (quitrent) an amount of one shilling and sixpence for each 100 morgen or portion thereof. Tax on Loan Farms.

The land tax for freehold (eigenaars) farms shall remain unaltered. Tax on Freehold Farms.

2. So long as a loan farm or portion thereof is unsurveyed the land tax due thereon shall be paid according to the hitherto existing laws. Unsurveyed Loan Farms.

4. The provisions of Arts. 1 and 2 shall also be of application to farms or portions thereof, or pieces of land registered in the name of the Superintendent of Natives, in trust for natives, and the tax will have to be paid by such natives. Tax on Land of Native Tribes.



## \*LAW No. 3 of 1891 (DOG TAX).

Whereas it appears that the amount of game, large and small, in the South African Republic yearly diminishes, and that this is attributable principally to the large number of Kaffir dogs which roam about in the veld :

The Volksraad deems it necessary to enact as follows :—

Tax on dogs  
of natives.

1. A coloured person shall pay 10s. per year for every dog owned by him or in his possession.

2. Tin badges bearing the name of the kraal or of the chief, location, or mission station where the owner of the dog or dogs resides, shall be supplied to Fieldcornets, Native Commissioners, and Sub-Commissioners in order to be by them issued to the natives upon payment of the tax.

Badges to  
have  
distinctive  
numbers.

Each badge shall be stamped with a distinctive number, and the number of the year.

Die.

3. The said officials shall be furnished with a stamp by means of which they may be able to print the numbers on the badges.

Killing of  
stray dogs.

4. The said officials and all other persons shall have the right to kill, or to cause to be killed, any stray dogs running about without a badge ; dogs which are doing any damage may also be killed although they carry badges.

Penalty on  
coloured  
person found  
with dog not  
having a  
badge.

†5. A coloured person found with a dog not bearing a badge shall be fined 10s., or, in default of payment, sentenced to ten lashes, and such coloured person shall have the right, after payment of the fine, or receipt of the lashes, to take out a ticket for his dog upon payment of 10s., in default whereof such dog shall be killed.

Receipts.

6. The said officials shall be obliged to give such coloured person, upon payment, for each dog, a receipt on the prescribed printed form.

These forms shall be bound together in books, and provided with counterfoils, which shall be of the same tenor as the receipts.

White house-  
holders.

7. Each white person residing on a farm, or in a town, and being a householder, shall be entitled to keep one dog free of payment, where such dog is used as a watch-dog ; for each additional dog 10s. per annum shall be paid.

Tin badges, bearing the name of the town and the number of the year, shall be supplied to Landdrosts, Mining Commissioners, and Resident Justices of the Peace, and at places where a Civil Commissioner is, also to such official, in order that the same may be issued to the owner of the dog upon payment of the tax.

\* This law does not apply within the Municipality of Pretoria, Ordinance 31 of 1902, Section 6 ; within any Municipality proclaimed under Ordinance No. 58, 1903, Ordinance 41, 1904, Section 30 ; nor within the Municipality of Johannesburg, Ordinance No. 2, Private 1906, Section 95 (2).

† First Volksraad Resolution, Art. 688, dated 29th June, 1898, resolves to add the following words to Section 5 of Law No. 31, 891 : " The Commissioners for Natives and Sub-Commissioners for Natives shall have jurisdiction in the event of contravention hereof committed by coloured persons within their jurisdiction."

\*Each badge shall bear a distinctive number.

8. The badges for dogs, which are free from the tax in terms of Art. 7, shall be supplied by the officials mentioned in paragraph 2 of Art. 7 of this Law, upon payment of one shilling sterling for each badge. Such badge shall be permanently valid and of effect. Fre  
in c  
case

9. The officials shall be provided with a stamp, by means of which they may imprint the numbers. Die

10. The said officials shall be obliged, upon payment for each dog, to give the owner a receipt in the prescribed printed form. Rec

Paragraph 2 of Art. 6 shall apply.

11. Dogs found roaming about in the towns without being provided with a badge shall be caught by the police or killed, and the dogs so caught shall, two days thereafter, be publicly sold on the market. Stri  
tow

The owner of a dog so caught may, within two days, get back the dog upon payment of a fine of 10s., and taking out a badge for it.

12. The owner, lessee, or occupier of a farm who finds a dog thereon, which is not provided with a badge in terms of Art. 2, shall have the right to kill such dog; he may also kill dogs bearing a badge if they do damage. Kil  
stra  
farm

13. If a dog is provided with a false badge, the owner shall be punished by a fine of from £10 to £37 10s. for each offence, and, in default of payment, by imprisonment with hard labour for a period not exceeding six months. Fal

13a. Any person manufacturing or selling false badges shall be punished by imprisonment with hard labour for a period of from twelve months to three years.

(See First Volksraad Resolution, Art. 114, dated 17th May, 1893.)

14. All laws and resolutions conflicting with this Law are hereby repealed.

15. This Law shall come into operation as soon as the Government shall notify by Proclamation that the said badges are obtainable (see Proclamation, dated 28th March, 1893, R. 1090, A. 91).

The Raad resolves further that this Law shall not be brought into operation before the 1st January, 1893.

#### ORDINANCE No. 20 OF 1902.

##### *To amend certain Laws relating to the Taxation of Natives.*

Whereas it is expedient to amend in certain respects the laws relating to the taxation of natives and to impose on them a general and uniform tax:

Be it enacted by the Governor of the Transvaal with the advice and consent of the Legislative Council thereof as follows:—

1. The laws mentioned in the Schedule to this Ordinance and so much of any other law as may be repugnant to or inconsistent with the provisions of this Ordinance are hereby repealed. Rep  
Law

\* First Volksraad Resolution, Art. 1257, dated 23rd August, 1192. Resolves: That the words "Both male and female" be inserted after the word "person" in Art. 7 of Law No. 3, 1891.

Tax to be payable by every adult male native.

\*2. There shall be paid annually to the Colonial Treasurer by every adult male aboriginal native domiciled in the Transvaal a consolidated tax amounting to the sum of †two pounds which shall be in lieu of all taxes imposed on natives under the laws mentioned in section *one*. If such native has more than one wife by native custom he shall pay a further tax of two pounds. The said tax shall become due and payable from and after the first day of January of each year commencing with the year 1903.

Appointment of Collectors of tax.

3. The Governor may from time to time appoint such persons as he may think fit to collect the said tax and may with the advice of the Executive Council make ‡regulations with penalties for the breaches thereof providing for the collection of the said tax and defining the duties and responsibility of chiefs of tribes and headmen of kraals in respect of the payment of the said tax by members of such tribes or by natives residing in such kraals.

Exemption from payment of Tax.

4. Every native holding letters of exemption under Proclamation Transvaal No. 35 of 1901 and every native who shall satisfy the Resident Magistrate Native Commissioner or Sub-Commissioner of his district that he is by reason of age chronic disease or other cause prevented from working and is indigent shall be exempted from the payment of the said tax.

Penalty for failing to pay tax.

5. Any native who shall ¶wilfully neglect to pay the aforesaid tax due by him at the time and place appointed by the Commissioner for Native Affairs shall upon conviction before any Resident Magistrate or Assistant Resident Magistrate Native Commissioner or Sub-Commissioner be liable to a fine not exceeding five pounds or in default of payment of the same to imprisonment with or without hard labour for a period not exceeding one month.

The Resident Magistrate Assistant Resident Magistrate Native Commissioner or Sub-Commissioner shall in any case in which the accused person claims not to be liable for the whole or portion of the said tax determine the amount due if any and order payment thereof and such order may be executed in the same manner as if it were a judgment of a competent Court in a civil proceeding.

Recovery of Penalties.

6. Every contravention of this Ordinance and of any of the Regulations made thereunder shall be summarily tried before the Resident Magistrate Assistant Resident Magistrate Native Commissioner or Sub-Commissioner of the district or ward in which such contravention has taken place.

Short Title.

7. This Ordinance may be cited for all purposes as the "Native Tax Ordinance 1902."

\* As amended by Ordinance, 20, 1906.

† See Section 2, Ordinance 20, 1906.

‡ For Regulations, see Government Notice No. 3, 1907.

¶ As amended by Ordinance No. 20, 1906.

¶ The essence of this offence is wilful neglect, which must be clearly shown in the indictment and proved. *Rex vs. Mgovu Dhlamini*, 1905, T.S. 331, and *Samuel Makhato vs. Rex*, 1905, T.S. 555.

## SCHEDULE.

Law No. 6 of 1880 and the Rules, Regulations, and Orders framed under the *ninth* section thereof.

Volksraad Resolution of 20th September, 1884, Art. 522.

Law No. 24 of 1895.

First Volksraad Resolution of July 14th, 1898, Art. 815.

Executive Council Resolution of August 26th, 1898, Art. 792

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ORDINANCE No. 20 OF 1906.

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*To amend the Law relating to the Taxation of Natives.*

Whereas it is expedient to amend in certain respects the Law relating to the taxation of natives :

Be it enacted by the Lieutenant-Governor of the Transvaal with the advice and consent of the Legislative Council thereof as follows :—

1. In this Ordinance unless inconsistent with the con- Interpretation of terms.  
text :

“principal law” shall mean the Native Tax Ordinance 1902 ;

“farm labourer” shall mean any adult male native residing on a farm and certified in accordance with section *three* as having been in the *bona fide* employment of the proprietor of such farm for domestic purposes or in connection with farming operations thereon since the first day of January of the year in which demand is made upon him for payment of the tax payable under the principal law ;

“farm” shall include any portion of a farm held under separate title ;

“proprietor” shall mean the owner or lessee of any farm or the representative of any absentee owner or lessee thereof ;

“municipal location resident” shall mean any adult male native who since the first day of January of the year in which demand is made upon him for payment of the tax due under the principal law has resided in a location under the control of the council of a municipality and produces proof to the satisfaction of the collector that he has paid all rent and other charges due to such council in respect of his residence in such location ;

“adult male native” shall mean any aboriginal native apparently of the age of eighteen years or over who has earned or appears to the collector to be capable of earning an adult male native's wages. Such definition shall further apply for the purposes of section *two* of the principal law.

Tax payable  
by farm  
labourers and  
municipal  
location  
residents.

2. In the case of every farm labourer or municipal location resident the consolidated tax of two pounds payable under section *two* of the principal law shall be reduced to one pound ; provided always that if a farm labourer or municipal location resident has more than one wife by native custom he shall be liable to pay the further tax for such additional wife under the said section *two* as amended by section *five* of this Ordinance.

Number of  
farm  
labourers to  
be certified.

3. (1) The number of farm labourers in respect of any farm shall be certified under the hand of the proprietor thereof and if the collector be dissatisfied with the certificate so given he shall report the facts to the Resident Magistrate of the district or in the case of a detached sub-district to the Assistant Resident Magistrate thereof who may cause any such certificate to be amended after hearing the proprietor and instituting any enquiries that appear necessary. The decision of such Magistrate shall be final and conclusive.

(2) Every proprietor shall annually upon demand by a collector furnish him with a full and complete return of the farm labourers who were on his farm on the first day of January in any year ; and such return shall be in the form set forth in the Schedule hereto and signed by such proprietor.

Penalties.

4. (1) Any proprietor who fails to comply with any provision of the last preceding section or who gives a certificate thereunder false in any material particular knowing the same to be false shall be liable on conviction to a fine not exceeding fifty pounds or in default of payment of the same to imprisonment with or without hard labour for a period not exceeding six months or to such period of imprisonment without the option of a fine.

(2) Any adult male native who neglects or refuses to produce any tax receipt or document serving the purpose of a tax receipt or document granting an extension of time for payment of or exemption from any tax due from him when such receipt or document is demanded for inspection by any person authorised to make such demand shall be liable on conviction to a fine not exceeding one pound or in default of payment of the same to imprisonment with or without hard labour for a period not exceeding seven days.

(3) Any adult male native who knowingly permits any tax receipt or document aforesaid to be used by another in order that it may be tendered or represented as the receipt or document of such other native or who uses or attempts to use the receipt or document of another native so as to represent the same as his own shall be liable on conviction to a fine not exceeding ten pounds or in default of payment of the same to imprisonment with or without hard labour for a period not exceeding three months or to such period of imprisonment without the option of a fine.

5. Section *two* of the principal law shall be and is hereby amended by the omission therefrom of the words "for each additional wife."

Amendment  
of section *two*  
of Ordinance  
No. 20 of 1902.

6. Section *five* of the principal law shall be and is hereby amended by the omission therefrom of the words "ten pounds or in default of payment to imprisonment with or without hard labour for a period not exceeding three months" and by the substitution therefor of the words "five pounds or in default of payment of the same to imprisonment with or without hard labour for a period not exceeding one month." The provisions of the said section *five* as hereby amended shall apply in respect of a wilful neglect by a farm labourer or municipal location resident to pay the tax due under section *two* of this Ordinance.

Amendment  
of section *five*  
of Ordinance  
No. 20 of 1902.

7. This Ordinance may be cited for all purposes as the Native Tax Amendment Ordinance 1906 and shall be read as one with the principal law.

Title.

#### SCHEDULE.

##### FORM OF CERTIFICATE UNDER SECTION *THREE*.

Name of Farm.	Number of adult male natives employed as farm labourers or for domestic purposes.	Number of adult male natives employed as farm labourers.	Names of natives employed as farm labourers.	Names of other adult male natives.	Dates since which employed.

(Signed).....

*Proprietor.*

##### REGULATIONS UNDER SECTION *THREE* OF ORDINANCE No. 20 OF 1902.

PUBLISHED BY GOVERNMENT NOTICE No. 3 OF 1907.

1. "The Tax" in these Regulations shall mean the tax leviable under the Native Tax Ordinance, 1902, or any amendment thereof.

When payable.	2. Notice shall be published yearly in the <i>Gazette</i> by the Commissioner for Native Affairs, fixing the date on and after which the tax for the year shall become due and payable. Such date shall be fixed after consultation with the Colonial Treasurer. Such notice shall be an authority and direction to the collectors to proceed with the collection of the tax in their respective districts, and the tax due shall be payable on such date and at such place as shall be appointed for that purpose by the collector.
Notification to taxpayers.	3. Collectors shall thereupon inform all chiefs, headmen, and other persons concerned of the respective dates and the places fixed for the payment of the tax, and shall in the case of chiefs and headmen instruct them to cause their people to be forthwith informed of such dates and places, but no native shall be freed from his liability for payment of the said tax by reason merely that he had not received any demand or notice to pay.
Obligations of headmen.	4. Any chief of a tribe, or headman or induna in charge of a section of a tribe, who, having been duly informed as aforesaid, shall fail to appear if required, or to bring any of the members of his tribe or any of the natives subject to his control to pay the tax due by them at the time and place appointed or shall connive at or knowingly permit an evasion or non-payment of the tax by any of his people shall upon conviction for any such offence be liable to a fine not exceeding £10.
	5. The tax shall be paid by the native from whom it is due, or by some person on his behalf, on the day appointed by the collector for payment by such native; and when any such native resides in a location or kraal under the control of a chief or headman the tax shall be paid in the presence of such chief or headman or his representative.
Absence from residence.	6. If any native from whom the tax is due be absent from his location, kraal, or place of residence at the date of collection, he shall pay his tax to the nearest collector wheresoever he may be.
Receipts issued.	7. A receipt for the amount of the tax paid by each native, signed by the official receiving it, shall be given to the person paying it.
Duty of headman.	8. The headman of each kraal shall be responsible for the due payment of the tax by all persons liable for the tax in his kraal, and it shall be such headman's duty to warn such persons to have ready for production their previous year's receipts belonging to them.
Refusal to produce receipt.	9. (a) Any adult male native who neglects or refuses to produce any tax receipt or document serving the purpose of a tax receipt, or document granting an extension of time for payment of or exemption from any tax due from him when such receipt or document is demanded for inspection by any person authorised to make such demand, shall be liable on conviction to a fine not exceeding one pound or in default of payment of the same to imprisonment with or without hard labour for a period not exceeding seven days.

(b) For the purposes of the Regulation any collector, pass issuer, police officer, constable, or Native Court messenger shall be deemed to be a person authorised to make demands for the production of tax receipts or other documents in this Regulation mentioned.

10. When it can be shown to the satisfaction of the collector that any native cannot pay the tax at the appointed time and place, the collector may, in his discretion, extend the time of payment, and shall thereupon deliver to such native a certificate of such extension. Extension time.

11. It shall be the duty of each chief or headman to assist in collecting the tax due from the natives under his control, and to report to the collector all defaulters, and he shall further from time to time inform the Native Commissioner or Sub-Native Commissioner of the district of all natives entering his location or kraal for the purpose of residence, giving the number and description of every such person and an account of any property in his possession. Duties of headman.

12. The tax shall be payable in sterling coin, but the collector may, in his discretion, accept payment in grain or stock, the value of such grain or stock being taken to be the price current in the nearest market at which grain or stock can be disposed of, and in all such cases the reasonable cost of carriage or driving and disposal thereof shall be paid in addition to the tax by the person tendering payment in grain or stock as aforesaid. Any such grain or stock shall be sold as soon as may be by the collector at public auction, and the price thereof shall be paid to the collector. Payment in kind.

13. All moneys received by collectors under these Regulations shall be paid into the Colonial Treasury, and no commission shall be allowed to any collector for or on account of collection, the cost of which will be borne by the Colonial Treasury.

14. Any person contravening any of these Regulations for which no penalty is specially provided shall be liable on conviction to a fine not exceeding five pounds, and in default of payment to imprisonment with or without hard labour for a period not exceeding one month. Contraventions.







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